SENATE—*Friday, April 3, 1992*

(Legislative day of Thursday, March 26, 1992)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 3, 1992.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD H. BRYAN, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BRYAN thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will stand in recess until 9 a.m., on Tuesday, April 7, 1992.

RECESS UNTIL 9 A.M., TUESDAY, APRIL 7, 1992

Thereupon, at 11 o'clock and 36 seconds a.m., the Senate recessed, under the order of Thursday, April 2, 1992, until Tuesday, April 7, 1992, at 9 a.m.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

HOUSE OF REPRESENTATIVES—*Friday, April 3, 1992*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. MONTGOMERY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 3, 1992.

I hereby designate the Honorable G.V. (SONNY) MONTGOMERY to act as Speaker pro tempore on this day.

THOMAS S. FOLEY,
Speaker, House of Represenatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

The Psalmist has written: "Be still before the Lord, and wait patiently for Him." We are grateful, O God, for all Your wonderful gifts to us and to every person—the gifts of gratitude and understanding, the gift of wisdom and knowledge, the gifts of friends and family, the gift of healing and the gift of life. On this day we are conscious of the gift of patience and we pray that with all the concerns in our lives and in the world we may learn to wait patiently for Your word of assurance and comfort. Forgive our impatience and our demand for answers and grant us Your peace and abiding spirit. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair would ask the gentleman from Hawaii [Mr. ABERCROMBIE] to lead the House in the Pledge of Allegiance.

Mr. ABERCROMBIE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. McCathran, one of his secretaries.

CONFERENCE REPORT ON S. 3, CONGRESSIONAL CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT OF 1992

Mr. GEJDENSON submitted the following conference report and statement on the Senate bill (S. 3) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes:

CONFERENCE REPORT (H. REPT. 102-479)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3), to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election Campaigns, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; AMENDMENT OF CAMPAIGN ACT; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Congressional Campaign Spending Limit and Election Reform Act of 1992".

(b) AMENDMENT OF FECA.—When used in this Act, the term "FECA" means the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(c) TABLE OF CONTENTS.—

Sec. 708. Limitation on contribution of currency.

TITLE VIII—MISCELLANEOUS

Sec. 801. Prohibition of leadership committees.
Sec. 802. Polling data contributed to candidates.
Sec. 803. Debates by general election candidates who receive amounts from the Presidential Election Campaign Fund.
Sec. 804. Prohibition of certain election-related activities of foreign nationals.
Sec. 805. Amendment to FECA section 316.
Sec. 806. Telephone voting by persons with disabilities.
Sec. 807. Prohibition of use of Government aircraft in connection with elections for Federal office.
Sec. 808. Sense of the Congress.

TITLE IX—EFFECTIVE DATES; AUTHORIZATIONS

Sec. 901. Effective date.
Sec. 902. Delay of effective dates until funding legislation enacted.
Sec. 902. Budget neutrality.
Sec. 903. Severability.
Sec. 904. Expedited review of constitutional issues.

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

SEC. 101. SENATE SPENDING LIMITS AND BENEFITS.

(a) IN GENERAL.—FECA is amended by adding at the end thereof the following new title:

"TITLE V—SPENDING LIMITS AND BENEFITS FOR SENATE ELECTION CAMPAIGNS

"SEC. 501. CANDIDATES ELIGIBLE TO RECEIVE BENEFITS.

"(a) IN GENERAL.—For purposes of this title, a candidate is an eligible Senate candidate if the candidate—

"(1) meets the primary and general election filing requirements of subsections (b) and (c);

"(2) meets the primary and runoff election expenditure limits of subsection (d); and

"(3) meets the threshold contribution requirements of subsection (e).

"(b) PRIMARY FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files with the Secretary of the Senate a declaration that—

"(A) the candidate and the candidate's authorized committees—

"(i) will meet the primary and runoff election expenditure limits of subsection (d); and

"(ii) will only accept contributions for the primary and runoff elections which do not exceed such limits;

"(B) the candidate and the candidate's authorized committees will meet the general election expenditure limit under section 502(b); and

"(C) the candidate and the candidate's authorized committees will meet the limitation on expenditures from personal funds under section 502(a).

"(2) The declaration under paragraph (1) shall be filed not later than the date the candidate files as a candidate for the primary election.

"(c) GENERAL ELECTION FILING REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate files a certification with the Secretary of the Senate under penalty of perjury that—

"(A) the candidate and the candidate's authorized committees—

"(i) met the primary and runoff election expenditure limits under subsection (d); and

"(ii) did not accept contributions for the primary or runoff election in excess of the primary or runoff expenditure limit under subsection (d), whichever is applicable, reduced by any amounts transferred to this election cycle from a preceding election cycle;

"(B) the candidate met the threshold contribution requirement under subsection (e), and that only allowable contributions were taken into account in meeting such requirement;

"(C) at least one other candidate has qualified for the same general election ballot under the law of the State involved;

"(D) such candidate and the authorized committees of such candidate—

"(i) except as otherwise provided by this title, will not make expenditures which exceed the general election expenditure limit under section 502(b);

"(ii) will not accept any contributions in violation of section 315;

"(iii) except as otherwise provided by this title, will not accept any contribution for the general election involved to the extent that such contribution would cause the aggregate amount of such contributions to exceed the sum of the amount of the general election expenditure limit under section 502(b) and the amounts described in subsections (c) and (d) of section 502, reduced by—

"(I) the amount of voter communication vouchers issued to the candidate; and

"(II) any amounts transferred to this election cycle from a previous election cycle and not taken into account under subparagraph (A)(ii);

"(iv) will deposit all payments received under this title in an account insured by the Federal Deposit Insurance Corporation from which funds may be withdrawn by check or similar means of payment to third parties;

"(v) will furnish campaign records, evidence of contributions, and other appropriate information to the Commission; and

"(vi) will cooperate in the case of any audit and examination by the Commission under section 506; and

"(E) the candidate intends to make use of the benefits provided under section 503.

"(2) The declaration under paragraph (1) shall be filed not later than 7 days after the earlier of—

"(A) the date the candidate qualifies for the general election ballot under State law; or

"(B) if, under State law, a primary or runoff election to qualify for the general election ballot occurs after September 1, the date the candidate wins the primary or runoff election.

"(d) PRIMARY AND RUNOFF EXPENDITURE LIMITS.—(1) The requirements of this subsection are met if:

"(A) The candidate or the candidate's authorized committees did not make expenditures for the primary election in excess of the lesser of—

"(i) 67 percent of the general election expenditure limit under section 502(b); or

"(ii) $2,750,000.

"(B) The candidate and the candidate's authorized committees did not make expenditures for any runoff election in excess of 20 percent of the general election expenditure limit under section 502(b).

"(2) The limitations under subparagraphs (A) and (B) of paragraph (1) with respect to any candidate shall be increased by the aggregate amount of independent expenditures in opposition to, or on behalf of any opponent of, such candidate during the primary or runoff election period, whichever is applicable, which are required to be reported to the Secretary of the Senate with respect to such period under section 304(c).

"(3)(A) If the contributions received by the candidate or the candidate's authorized committees for the primary election or runoff election exceed the expenditures for either such election, such excess contributions shall be treated as contributions for the general election and expenditures for the general election may be made from such excess contributions.

"(B) Subparagraph (A) shall not apply to the extent that such treatment of excess contributions—

"(i) would result in the violation of any limitation under section 315; or

"(ii) would cause the aggregate contributions received for the general election to exceed the limits under subsection (c)(1)(D)(iii).

"(e) THRESHOLD CONTRIBUTION REQUIREMENTS.—(1) The requirements of this subsection are met if the candidate and the candidate's authorized committees have received allowable contributions during the applicable period in an amount at least equal to the lesser of—

"(A) 10 percent of the general election expenditure limit under section 502(b); or

"(B) $250,000.

"(2) For purposes of this section and section 503(b)—

"(A) The term 'allowable contributions' means contributions which are made as gifts of money by an individual pursuant to a written instrument identifying such individual as the contributor.

"(B) The term 'allowable contributions' shall not include—

"(i) contributions made directly or indirectly through an intermediary or conduit which are treated as made by such intermediary or conduit under section 315(a)(8)(B);

"(ii) contributions from any individual during the applicable period to the extent such contributions exceed $250; or

"(iii) contributions from individuals residing outside the candidate's State to the extent such contributions exceed 50 percent of the aggregate allowable contributions (without regard to this clause) received by the candidate during the applicable period.

Clauses (ii) and (iii) shall not apply for purposes of section 503(b).

"(3) For purposes of this subsection and section 503(b), the term 'applicable period' means—

"(A) the period beginning on January 1 of the calendar year preceding the calendar year of the general election involved and ending on—

"(i) the date on which the certification under subsection (c) is filed by the candidate; or

"(ii) for purposes of section 503(b), the date of such general election; or

"(B) in the case of a special election for the office of United States Senator, the period beginning on the date the vacancy in such office occurs and ending on the date of the general election involved.

"(f) INDEXING.—The $2,750,000 amount under subsection (d)(1) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for purposes of subsection (d)(1), the base period shall be calendar year 1992.

"SEC. 502. LIMITATIONS ON EXPENDITURES.

"(a) LIMITATION ON USE OF PERSONAL FUNDS.—(1) The aggregate amount of expenditures which may be made during an election cycle by an eligible Senate candidate or such candidate's authorized committees from the sources described in paragraph (2) shall not exceed the lesser of—

"(A) 10 percent of the general election expenditure limit under subsection (b); or

"(B) $250,000.

"(2) A source is described in this paragraph if it is—

"(A) personal funds of the candidate and members of the candidate's immediate family; or

"(B) personal debt incurred by the candidate and members of the candidate's immediate family.

"(b) GENERAL ELECTION EXPENDITURE LIMIT.—(1) Except as otherwise provided in this

title, the aggregate amount of expenditures for a general election by an eligible Senate candidate and the candidate's authorized committees shall not exceed the lesser of—

"(A) $5,500,000; or

"(B) the greater of—

"(i) $950,000; or

"(ii) $400,000; plus

"(I) 30 cents multiplied by the voting age population not in excess of 4,000,000; and

"(II) 25 cents multiplied by the voting age population in excess of 4,000,000.

"(2) In the case of an eligible Senate candidate in a State which has no more than 1 transmitter for a commercial Very High Frequency (VHF) television station licensed to operate in that State, paragraph (1)(B)(ii) shall be applied by substituting—

"(A) '80 cents' for '30 cents' in subclause (I); and

"(B) '70 cents' for '25 cents' in subclause (II).

"(3) The amount otherwise determined under paragraph (1) for any calendar year shall be increased by the same percentage as the percentage increase for such calendar year under section 501(f) (relating to indexing).

"(c) LEGAL AND ACCOUNTING COMPLIANCE FUND.—(1) The limitation under subsection (b) shall not apply to qualified legal and accounting expenditures made by a candidate or the candidate's authorized committees or a Federal officeholder from a legal and accounting compliance fund meeting the requirements of paragraph (2).

"(2) A legal and accounting compliance fund meets the requirements of this paragraph if—

"(A) the only amounts transferred to the fund are amounts received in accordance with the limitations, prohibitions, and reporting requirements of this Act;

"(B) the aggregate amounts transferred to, and expenditures made from, the fund do not exceed the sum of—

"(i) the lesser of—

"(I) 15 percent of the general election expenditure limit under subsection (b) for the general election for which the fund was established; or

"(II) $300,000; plus

"(ii) the amount determined under paragraph (4); and

"(C) no funds received by the candidate pursuant to section 503(a)(3) may be transferred to the fund.

"(3) For purposes of this subsection, the term 'qualified legal and accounting expenditures' means the following:

"(A) Any expenditures for costs of legal and accounting services provided in connection with—

"(i) any administrative or court proceeding initiated pursuant to this Act during the election cycle for such general election; or

"(ii) the preparation of any documents or reports required by this Act or the Commission.

"(B) Any expenditures for legal and accounting services provided in connection with the general election for which the legal and accounting compliance fund was established to ensure compliance with this Act with respect to the election cycle for such general election.

"(4)(A) If, after a general election, a candidate determines that the qualified legal and accounting expenditures will exceed the limitation under paragraph (2)(B)(i), the candidate may petition the Commission by filing with the Secretary of the Senate a request for an increase in such limitation. The Commission shall authorize an increase in such limitation in the amount (if any) by which the Commission determines the qualified legal and accounting expenditures exceed such limitation. Such determination shall be subject to judicial review under section 506.

"(B) Except as provided in section 315, any contribution received or expenditure made pursuant to this paragraph shall not be taken into account for any contribution or expenditure limit applicable to the candidate under this title.

"(5) Any funds in a legal and accounting compliance fund shall be treated for purposes of this Act as a separate segregated fund, except that any portion of the fund not used to pay qualified legal and accounting expenditures, and not transferred to a legal and accounting compliance fund for the election cycle for the next general election, shall be treated in the same manner as other campaign funds.

"(d) PAYMENT OF TAXES.—The limitation under subsection (b) shall not apply to any expenditure for Federal, State, or local taxes with respect to a candidate's authorized committees.

"(e) EXPENDITURES.—For purposes of this title, the term 'expenditure' has the meaning given such term by section 301(9), except that in determining any expenditures made by, or on behalf of, a candidate or a candidate's authorized committees, section 301(9)(B) shall be applied without regard to clause (ii) or (vi) thereof.

"SEC. 503. BENEFITS ELIGIBLE CANDIDATE ENTITLED TO RECEIVE.

"(a) IN GENERAL.—An eligible Senate candidate shall be entitled to—

"(1) the broadcast media rates provided under section 315(b) of the Communications Act of 1934;

"(2) the mailing rates provided in section 3626(e) of title 39, United States Code;

"(3) payments in the amounts determined under subsection (b); and

"(4) voter communication vouchers in the amount determined under subsection (c).

"(b) AMOUNT OF PAYMENTS.—(1) For purposes of subsection (a)(3), the amounts determined under this subsection are—

"(A) the independent expenditure amount; and

"(B) in the case of an eligible Senate candidate who has an opponent in the general election who receives contributions, or makes (or obligates to make) expenditures, for such election in excess of the general election expenditure limit under section 502(b), the excess expenditure amount.

"(2) For purposes of paragraph (1), the independent expenditure amount is the total amount of independent expenditures made, or obligated to be made, during the general election period by 1 or more persons in opposition to, or on behalf of an opponent of, an eligible Senate candidate which are required to be reported by such persons under section 304(c) with respect to the general election period and are certified by the Commission under section 304(c).

"(3) For purposes of paragraph (1), the excess expenditure amount is the amount determined as follows:

"(A) In the case of a major party candidate, an amount equal to the sum of—

"(i) if the excess described in paragraph (1)(B) is not greater than 133⅓ percent of the general election expenditure limit under section 502(b), an amount equal to one-third of such limit applicable to the eligible Senate candidate for the election; plus

"(ii) if such excess equals or exceeds 133⅓ percent but is less than 166⅔ percent of such limit, an amount equal to one-third of such limit; plus

"(iii) if such excess equals or exceeds 166⅔ percent of such limit, an amount equal to one-third of such limit.

"(B) In the case of an eligible Senate candidate who is not a major party candidate, an amount equal to the lesser of—

"(i) the allowable contributions of the eligible Senate candidate during the applicable period in excess of the threshold contribution requirement under section 501(e); or

"(ii) 50 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(c) VOTER COMMUNICATION VOUCHERS.—(1) The aggregate amount of voter communication vouchers issued to an eligible Senate candidate shall be equal to 20 percent of the general election expenditure limit under section 502(b) (10 percent of such limit if such candidate is not a major party candidate).

"(2) Voter communication vouchers shall be used by an eligible Senate candidate to purchase broadcast time during the general election period in the same manner as other broadcast time may be purchased by the candidate.

"(d) WAIVER OF EXPENDITURE AND CONTRIBUTION LIMITS.—(1) An eligible Senate candidate who receives payments under subsection (a)(3) which are allocable to the independent expenditure or excess expenditure amounts described in paragraphs (2) and (3) of subsection (b) may make expenditures from such payments to defray expenditures for the general election without regard to the general election expenditure limit under section 502(b).

"(2)(A) An eligible Senate candidate who receives benefits under this section may make expenditures for the general election without regard to clause (i) of section 501(c)(1)(D) or subsection (a) or (b) of section 502 if any one of the eligible Senate candidate's opponents who is not an eligible Senate candidate either raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 200 percent of the general election expenditure limit applicable to the eligible Senate candidate under section 502(b).

"(B) The amount of the expenditures which may be made by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(3)(A) A candidate who receives benefits under this section may receive contributions for the general election without regard to clause (iii) of section 501(c)(1)(D) if—

"(i) a major party candidate in the same general election is not an eligible Senate candidate; or

"(ii) any other candidate in the same general election who is not an eligible Senate candidate raises aggregate contributions, or makes or becomes obligated to make aggregate expenditures, for the general election that exceed 75 percent of the general election expenditure limit applicable to such other candidate under section 502(b).

"(B) The amount of contributions which may be received by reason of subparagraph (A) shall not exceed 100 percent of the general election expenditure limit under section 502(b).

"(e) USE OF PAYMENTS.—Payments received by a candidate under subsection (a)(3) shall be used to defray expenditures incurred with respect to the general election period for the candidate. Such payments shall not be used—

"(1) except as provided in paragraph (4), to make any payments, directly or indirectly, to such candidate or to any member of the immediate family of such candidate;

"(2) to make any expenditure other than expenditures to further the general election of such candidate;

"(3) to make any expenditures which constitute a violation of any law of the United States or of the State in which the expenditure is made; or

"(4) subject to the provisions of section 315(k), to repay any loan to any person except to the extent the proceeds of such loan were used to further the general election of such candidate.

"SEC. 504. CERTIFICATION BY COMMISSION.

"(a) IN GENERAL.—(1) The Commission shall certify to any candidate meeting the requirements of section 502 that such candidate is an eligible Senate candidate entitled to benefits under this title. The Commission shall revoke such certification if it determines a candidate fails to continue to meet such requirements.

"(2) No later than 48 hours after an eligible Senate candidate files a request with the Secretary of the Senate to receive benefits under section 505, the Commission shall issue a certification stating whether such candidate is eligible for payments under this title or to receive voter communication vouchers and the amount of such payments or vouchers to which such candidate is entitled. The request referred to in the preceding sentence shall contain—

"(A) such information and be made in accordance with such procedures as the Commission may provide by regulation; and

"(B) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under subsection (a)) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 505 and judicial review under section 506.

"SEC. 505. EXAMINATION AND AUDITS; REPAYMENTS; CIVIL PENALTIES.

"(a) EXAMINATION AND AUDITS.—(1) After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of all candidates for the office of United States Senator to determine, among other things, whether such candidates have complied with the expenditure limits and conditions of eligibility of this title, and other requirements of this Act. Such candidates shall be designated by the Commission through the use of an appropriate statistical method of random selection. If the Commission selects a candidate, the Commission shall examine and audit the campaign accounts of all other candidates in the general election for the office the selected candidate is seeking.

"(2) The Commission may conduct an examination and audit of the campaign accounts of any candidate in a general election for the office of United States Senator if the Commission determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(b) EXCESS PAYMENTS; REVOCATION OF STATUS.—(1) If the Commission determines that payments or vouchers were made to an eligible Senate candidate under this title in excess of the aggregate amounts to which such candidate was entitled, the Commission shall so notify such candidate, and such candidate shall pay an amount equal to the excess.

"(2) If the Commission revokes the certification of a candidate as an eligible Senate candidate under section 504(a)(1), the Commission shall notify the candidate, and the candidate shall pay an amount equal to the payments and vouchers received under this title.

"(c) MISUSE OF BENEFITS.—If the Commission determines that any amount of any benefit made available to an eligible Senate candidate under this title was not used as provided for in this title, the Commission shall so notify such candidate and such candidate shall pay the amount of such benefit.

"(d) EXCESS EXPENDITURES.—If the Commission determines that any eligible Senate candidate who has received benefits under this title has made expenditures which in the aggregate exceed—

"(1) the primary or runoff expenditure limit under section 501(d); or

"(2) the general election expenditure limit under section 502(b),

the Commission shall so notify such candidate and such candidate shall pay an amount equal to the amount of the excess expenditures.

"(e) CIVIL PENALTIES FOR EXCESS EXPENDITURES AND CONTRIBUTIONS.—(1) If the Commission determines that a candidate has committed a violation described in subsection (c), the Commission may assess a civil penalty against such candidate in an amount not greater than 200 percent of the amount involved.

"(2)(A) LOW AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 2.5 percent or less shall pay an amount equal to the amount of the excess expenditures.

"(B) MEDIUM AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by more than 2.5 percent and less than 5 percent shall pay an amount equal to three times the amount of the excess expenditures.

"(C) LARGE AMOUNT OF EXCESS EXPENDITURES.—Any eligible Senate candidate who makes expenditures that exceed any limitation described in paragraph (1) or (2) of subsection (d) by 5 percent or more shall pay an amount equal to three times the amount of the excess expenditures plus a civil penalty in an amount determined by the Commission.

"(f) UNEXPENDED FUNDS.—Any amount received by an eligible Senate candidate under this title may be retained for a period not exceeding 120 days after the date of the general election for the liquidation of all obligations to pay expenditures for the general election incurred during the general election period. At the end of such 120-day period, any unexpended funds received under this title shall be promptly repaid.

"(g) LIMIT ON PERIOD FOR NOTIFICATION.—No notification shall be made by the Commission under this section with respect to an election more than three years after the date of such election.

"SEC. 506. JUDICIAL REVIEW.

"(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within thirty days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 507. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 506 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 508. REPORTS TO CONGRESS; REGULATIONS.

"(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the Senate setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible Senate candidate and the authorized committees of such candidate;

"(2) the amounts certified by the Commission under section 504 as benefits available to each eligible Senate candidate; and

"(3) the amount of repayments, if any, required under section 505 and the reasons for each repayment required.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) RULES AND REGULATIONS.—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (c), to conduct such examinations and investigations, and to require the keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(c) STATEMENT TO SENATE.—Thirty days before prescribing any rules or regulation under subsection (b), the Commission shall transmit to the Senate a statement setting forth the proposed rule or regulation and containing a detailed explanation and justification of such rule or regulation.

"SEC. 509. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE SENATE CANDIDATES.

"No eligible Senate candidate may receive amounts under section 503(a)(3) unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.".

(b) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendment made by subsection (a) shall apply to elections occurring after December 31, 1993.

(2) For purposes of any expenditure or contribution limit imposed by the amendment made by subsection (a)—

(A) no expenditure made before January 1, 1993, shall be taken into account, except that there shall be taken into account any such expenditure for goods or services to be provided after such date; and

(B) all cash, cash items, and Government securities on hand as of January 1, 1993, shall be taken into account in determining whether the contribution limit is met, except that there shall not be taken into account amounts used during the 60-day period beginning on January 1, 1993, to pay for expenditures which were incurred (but unpaid) before such date.

(c) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If section 501, 502, or 503 of title V of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act shall be treated as invalid.

SEC. 102. RESTRICTIONS ON ACTIVITIES OF POLITICAL ACTION AND CANDIDATE COMMITTEES IN FEDERAL ELECTIONS.

(a) CONTRIBUTIONS.—Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i) CONTRIBUTIONS BY POLITICAL ACTION COMMITTEES TO SENATE CANDIDATES.—(1) In the case of a candidate for election, or nomination for election, to the United States Senate (and such candidate's authorized committees), subsection (a)(2)(A) shall be applied by substituting "$2,500" for "$5,000".

"(2) It shall be unlawful for a multicandidate political committee to make a contribution to a candidate for election, or nomination for election, to the United States Senate (or an authorized committee) to the extent that the making of the contribution will cause the amount of contributions received by the candidate and the candidate's authorized committees from multicandidate political committees to exceed the lesser of—

"(A) $825,000; or

"(B) the greater of—

"(i) $375,000; or

"(ii) 20 percent of the sum of the general election spending limit under section 502(b) plus the primary election spending limit under section 501(d)(1)(A) (without regard to whether the candidate is an eligible Senate candidate).

"(3) In the case of an election cycle in which there is a runoff election, the limit determined under paragraph (2) shall be increased by an amount equal to 20 percent of the runoff election expenditure limit under section 501(d)(1)(B) (without regard to whether the candidate is such an eligible Senate candidate).

"(4) The $825,000 and $375,000 amounts in paragraph (2) shall be increased as of the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that for purposes of paragraph (2), the base period shall be calendar year 1992.

"(5) A candidate or authorized committee that receives a contribution from a multicandidate political committee in excess of the amount allowed under paragraph (2) shall return the amount of such excess contribution to the contributor.".

SEC. 103. REPORTING REQUIREMENTS.

Title III of FECA is amended by adding after section 304 the following new section:

"REPORTING REQUIREMENTS FOR SENATE CANDIDATES

"SEC. 304A. (a) CANDIDATE OTHER THAN ELIGIBLE SENATE CANDIDATE.—(1) Each candidate for the office of United States Senator who does not file a certification with the Secretary of the Senate under section 501(c) shall file with the Secretary of the Senate a declaration as to whether such candidate intends to make expenditures for the general election in excess of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b). Such declaration shall be filed at the time provided in section 501(c)(2).

"(2) Any candidate for the United States Senate who qualifies for the ballot for a general election—

"(A) who is not an eligible Senate candidate under section 501; and

"(B) who either raises aggregate contributions, or makes or obligates to make aggregate expenditures, for the general election which exceed 75 percent of the general election expenditure limit applicable to an eligible Senate candidate under section 502(b),

shall file a report with the Secretary of the Senate within 24 hours after such contributions have been raised or such expenditures have been made or obligated to be made (or, if later, within 24 hours after the date of qualification for the general election ballot), setting forth the candidate's total contributions and total expenditures for such election as of such date. Thereafter, such candidate shall file additional reports (until such contributions or expenditures exceed 200 percent of such limit) with the Secretary of the Senate within 24 hours after each time additional contributions are raised, or expenditures are made or are obligated to be made, which in the aggregate exceed an amount equal to 10 percent of such limit and after the total contributions or expenditures exceed 133⅓, 166⅔, and 200 percent of such limit.

"(3) The Commission—

"(A) shall, within 24 hours of receipt of a declaration or report under paragraph (1) or (2), notify each eligible Senate candidate in the election involved about such declaration or report; and

"(B) if an opposing candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in excess of the applicable general election expenditure limit under section 502(b), shall certify, pursuant to the provisions of subsection (d), such eligibility for payment of any amount to which such eligible Senate candidate is entitled under section 503(a).

"(4) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate in a general election who is not an eligible Senate candidate has raised aggregate contributions, or made or has obligated to make aggregate expenditures, in the amounts which would require a report under paragraph (2). The Commission shall, within 24 hours after making each such determination, notify each eligible Senate candidate in the general election involved about such determination, and shall, when such contributions or expenditures exceed the general election expenditure limit under section 502(b), certify (pursuant to the provisions of subsection (d)) such candidate's eligibility for payment of any amount under section 503(a).

"(b) REPORTS ON PERSONAL FUNDS.—(1) Any candidate for the United States Senate who during the election cycle expends more than the limitation under section 502(a) during the election cycle from his personal funds, the funds of his immediate family, and personal loans incurred by the candidate and the candidate's immediate family shall file a report with the Secretary of the Senate within 24 hours after such expenditures have been made or loans incurred.

"(2) The Commission within 24 hours after a report has been filed under paragraph (1) shall notify each eligible Senate candidate in the election involved about each such report.

"(3) Notwithstanding the reporting requirements under this subsection, the Commission may make its own determination that a candidate for the United States Senate has made expenditures in excess of the amount under paragraph (1). The Commission within 24 hours after making such determination shall notify each eligible Senate candidate in the general election involved about each such determination.

"(c) CANDIDATES FOR OTHER OFFICES.—(1) Each individual—

"(A) who becomes a candidate for the office of United States Senator;

"(B) who, during the election cycle for such office, held any other Federal, State, or local office or was a candidate for such other office; and

"(C) who expended any amount during such election cycle before becoming a candidate for the office of United States Senator which would have been treated as an expenditure if such individual had been such a candidate, including amounts for activities to promote the image or name recognition of such individual,

shall, within 7 days of becoming a candidate for the office of United States Senator, report to the Secretary of the Senate the amount and nature of such expenditures.

"(2) Paragraph (1) shall not apply to any expenditures in connection with a Federal, State, or local election which has been held before the individual becomes a candidate for the office of United States Senator.

"(3) The Commission shall, as soon as practicable, make a determination as to whether the amounts included in the report under paragraph (1) were made for purposes of influencing the election of the individual to the office of United States Senator.

"(d) CERTIFICATIONS.—Notwithstanding section 505(a), the certification required by this section shall be made by the Commission on the basis of reports filed in accordance with the provisions of this Act, or on the basis of such Commission's own investigation or determination.

"(e) COPIES OF REPORTS AND PUBLIC INSPECTION.—The Secretary of the Senate shall transmit a copy of any report or filing received under this section or of title V (whenever a 24-hour response is required of the Commission) as soon as possible (but no later than 4 working hours of the Commission) after receipt of such report or filing, and shall make such report or filing available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such reports and filings in the same manner as the Commission under section 311(a)(5).

"(f) DEFINITIONS.—For purposes of this section, any term used in this section which is used in title V shall have the same meaning as when used in title V.".

SEC. 104. DISCLOSURE BY NONELIGIBLE CANDIDATES.

Section 318 of FECA (2 U.S.C. 441d), as amended by section 133, is amended by adding at the end thereof the following:

"(e) If a broadcast, cablecast, or other communication is paid for or authorized by a candidate in the general election for the office of United States Senator who is not an eligible Senate candidate, or the authorized committee of such candidate, such communication shall contain the following sentence: 'This candidate has not agreed to voluntary campaign spending limits.'.".

SEC. 105. EXTENSION OF TIME PERIOD WHEN FRANKED MASS MAILINGS ARE PROHIBITED.

Section 3210(a)(6) of title 39, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking clause (i) and inserting the following:

"(i) if the mass mailing is mailed during the calendar year of any primary or general election (whether regular or runoff) in which the Member is a candidate for reelection; or"; and

(B) in clause (ii)(II) by striking "fewer than 60 days immediately before the date" and inserting "during the year"; and

(2) in subparagraph (C) by striking "fewer than 60 days immediately before the date" and inserting "during the year".

Subtitle B—Expenditure Limitations, Contribution Limitations, and Matching Funds for Eligible House of Representatives Candidates

SEC. 121. PROVISIONS APPLICABLE TO ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES.

(a) IN GENERAL.—FECA, as amended by section 101(a), is amended by adding at the end the following new title:

"TITLE VI—EXPENDITURE LIMITATIONS, CONTRIBUTION LIMITATIONS, AND MATCHING FUNDS FOR ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES

"SEC. 601. EXPENDITURE LIMITATIONS.

"(a) IN GENERAL.—An eligible House of Representatives candidate may not, in an election cycle, make expenditures aggregating more than $600,000, of which not more than $500,000 may be expended in the general election period.

"(b) RUNOFF ELECTION AND SPECIAL ELECTION AMOUNTS.—

"(1) RUNOFF ELECTION AMOUNT.—In addition to the expenditures under subsection (a), an eligible House of Representatives candidate who is a candidate in a runoff election may make expenditures aggregating not more than 20 percent of the general election period limit under subsection (a).

"(2) SPECIAL ELECTION AMOUNT.—An eligible House of Representatives candidate who is a candidate in a special election may make expenditures aggregating not more than $500,000 with respect to the special election.

"(c) CLOSELY CONTESTED PRIMARY.—If, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 10 percentage points or less, subject to the general election period limitation in subsection (a), the candidate may make additional expenditures of not more than $150,000 in the general election period. The additional expenditures shall be from contributions described in section 603(h) and payments described in section 604(f).

"(d) NONPARTICIPATING OPPONENT PROVISIONS.—

"(1) LIMITATION EXCEPTION.—The limitations imposed by subsections (a) and (b) do not apply in the case of an eligible House of Representatives candidate if any other candidate seeking nomination or election to that office—

"(A) is not an eligible House of Representatives candidate; and

"(B) makes expenditures in excess of 80 percent of the general election period limitation specified in subsection (a).

"(2) CONTINUED ELIGIBILITY AND ADDITIONAL MATCHING FUNDS.—An eligible House of Representatives candidate referred to in paragraph (1)—

"(A) shall continue to be eligible for all benefits under this title; and

"(B) shall receive matching funds without regard to the ceiling under section 604(a).

"(3) REPORTING REQUIREMENT.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress—

"(A) who is not an eligible House of Representatives candidate; and

"(B) who—

"(i) receives contributions in excess of 50 percent of the general election period limitation specified in subsection (a)(1); or

"(ii) makes expenditures in excess of 80 percent of such limit;

shall report that the threshold has been reached to the Clerk of the House of Representatives not later than 48 hours after reaching the threshold. The Clerk shall transmit a report received under this paragraph to the Commission as soon as possible (but no later than 4 working hours of the Commission) after such receipt, and the Commission shall transmit a copy to each other candidate in the election within 48 hours of receipt.

"(e) EXEMPTION FOR CERTAIN COSTS AND TAXES.—Payments for legal and accounting compliance costs, and Federal, State, or local taxes with respect to a candidate's authorized committees, shall not be considered in the computation of amounts subject to limitation under this section.

"(f) EXEMPTION FOR FUNDRAISING COSTS.—

"(1) Any costs incurred by an eligible House of Representatives candidate or his or her authorized committee in connection with the solicitation of contributions on behalf of such candidate shall not be considered in the computation of amounts subject to limitation under this section to the extent that the aggregate of such costs does not exceed 5 percent of the limitation under subsection (a) or subsection (b).

"(2) An amount equal to 5 percent of salaries and overhead expenditures of an eligible House of Representatives candidate's campaign headquarters and offices shall not be considered in the computation of amounts subject to limitation under this section. Any amount excluded under this paragraph shall be applied against the fundraising expenditure exemption under paragraph (1).

"(g) CIVIL PENALTIES.—

"(1) LOW AMOUNT OF EXCESS EXPENDITURES.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by 2.5 percent or less shall pay to the Commission an amount equal to the amount of the excess expenditures.

"(2) MEDIUM AMOUNT OF EXCESS EXPENDITURES.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by more than 2.5 percent and less than 5 percent shall pay to the Commission an amount equal to three times the amount of the excess expenditures.

"(3) LARGE AMOUNT OF EXCESS EXPENDITURES.—Any eligible House of Representatives candidate who makes expenditures that exceed a limitation under subsection (a) or subsection (b) by 5 percent or more shall pay to the Commission an amount equal to three times the amount of the excess expenditures plus a civil penalty in an amount determined by the Commission.

"(h) INDEXING.—The dollar amounts specified in subsections (a), (b), (c), and (e) shall be adjusted at the beginning of each calendar year based on the increase in the price index determined under section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.

"SEC. 602. STATEMENT OF PARTICIPATION; CONTINUING ELIGIBILITY.

"(a) IN GENERAL.—The Commission shall determine whether a candidate is in compliance with this title and, by reason of such compliance, is eligible to receive benefits under this title. Such determination shall—

"(1) in the case of an initial determination, be based on a statement of participation submitted by the candidate; and

"(2) in the case of a determination of continuing eligibility, be based on relevant additional information submitted in such form and manner as the Commission may require.

"(b) FILING.—The statement of participation referred to in subsection (a) shall be filed with the Clerk of the House of Representatives not later than January 31 of the election year or on the date on which the candidate files a statement of candidacy, whichever is later. The Clerk of the House of Representatives shall transmit a statement received under this section to the Commission as soon as possible.

"SEC. 603. CONTRIBUTION LIMITATIONS.

"(a) ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATE LIMITATION.—An eligible House of Representatives candidate may not, with respect to an election cycle, accept contributions aggregating in excess of $600,000.

"(b) NONPARTICIPATING OPPONENT PROVISIONS.—The limitations imposed by subsection (a) do not apply in the case of an eligible House of Representatives candidate if any other candidate seeking nomination or election to that office—

"(1) is not an eligible House of Representatives candidate; and

"(2) receives contributions in excess of 50 percent of the general election period limitation specified in section 601(a).

"(c) TRANSFER PROVISIONS.—

"(1) If an eligible House of Representatives candidate transfers any amount from an election cycle to a later election cycle, the limitation with respect to the candidate under subsection (a) for the later cycle shall be an amount equal to the difference between the amount specified in that subsection and the amount transferred.

"(2) If an eligible House of Representatives candidate transfers any amount from an election cycle to a later election cycle, each limitation with respect to the candidate under section 315(j) for the later cycle shall be one-third of the difference between the applicable amount specified in subsection (a) and the amount transferred.

"(d) RUNOFF AMOUNT.—In addition to the contributions under subsection (a), an eligible House of Representatives candidate who is a candidate in a runoff election may accept contributions aggregating not more than 20 percent of the general election expenditure limit under section 601(a) in the general election period. Of such contributions, one-half may be from political committees and one-half may be from persons referred to in section 315(j)(2).

"(e) PERSONAL CONTRIBUTIONS.—

"(1) IN GENERAL.—An eligible House of Representatives candidate may not, with respect to an election cycle, make contributions to his or her own campaign totaling more than $50,000 from the personal funds of the candidate. The amount that the candidate may accept from persons referred to in section 315(j)(2) shall be reduced by the amount of contributions made under the preceding sentence. Contributions from the personal funds of a candidate may not be matched under section 604.

"(2) LIMITATION EXCEPTION.—The limitation imposed by paragraph (1) does not apply in the case of an eligible House of Representatives candidate if any other candidate—

"(A) is not an eligible House of Representatives candidate; and

"(B) receives contributions in excess of 50 percent of the general election period limitation specified in section 601(a).

"(3) TRIPLE MATCH.—An eligible House of Representatives candidate, whose opponent makes contributions to his or her own campaign in excess of 50 percent of the general election period limitation specified in section 601(a), shall receive $3 in matching funds for each $1 certified by the Commission as matchable for the eligible candidate.

"(f) CIVIL PENALTIES.—

"(1) LOW AMOUNT OF EXCESS CONTRIBUTIONS.—Any eligible House of Representatives candidate who accepts contributions that exceed the limitation under subsection (a) by 2.5 percent or less shall refund the excess contributions to the persons who made the contributions.

"(2) MEDIUM AMOUNT OF EXCESS CONTRIBUTIONS.—Any eligible House of Representatives candidate who accepts contributions that exceed a limitation under subsection (a) by more than 2.5 percent and less than 5 percent shall pay to the Commission an amount equal to three times the amount of the excess contributions.

"(3) LARGE AMOUNT OF EXCESS CONTRIBUTIONS.—Any eligible House of Representatives candidate who accepts contributions that exceed a limitation under subsection (a) by 5 percent or more shall pay to the Commission an amount equal to three times the amount of the excess contributions plus a civil penalty in an amount determined by the Commission.

"(g) EXEMPTION FOR CERTAIN COSTS.—(1) Any amount—

"(A) accepted by a candidate for the office of Representative in, or Delegate or Resident Commissioner to the Congress; and

"(B) used for legal and accounting compliance costs, or used to pay Federal, State, or local taxes with respect to a candidate's authorized committees shall not be considered in the computation of amounts subject to limitation under subsection (a).

"(2) The balance of funds maintained for legal and accounting compliance costs by the authorized committees of an eligible House of Representatives candidate shall not exceed 20 percent of the limit under subsection (a) at any time.

"(3) No funds received by a candidate under section 604 may be transferred to a separate legal and accounting compliance fund.

"(h) CLOSELY CONTESTED PRIMARY.—If, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 10 percentage points or less, notwithstanding the limitation in subsection (a), the candidate may, in the general election period, accept additional contributions of not more than $150,000, consisting of—

"(1) not more than $50,000 from political committees; and

"(2) not more than $50,000 from individuals referred to in section 315(j)(2).

"(i) INDEXING.—The dollar amounts specified in subsections (a), (d), (e), and (h) shall be adjusted at the beginning of the calendar year based on the increase in the price index determined under section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.

"SEC. 604. MATCHING FUNDS.

"(a) IN GENERAL.—An eligible House of Representatives candidate shall be entitled to receive, with respect to the general election, an amount equal to the amount of contributions from individuals received by the candidate, but not more than $200,000, and not to the extent that contributions from any individual during the election cycle exceed $250 in the aggregate.

"(b) INDEPENDENT EXPENDITURE PROVISION.—If, with respect to a general election involving an eligible House of Representatives candidate, independent expenditures totaling $10,000 are made against the eligible House of Representatives candidate or in favor of another candidate, the eligible House of Representatives candidate shall be entitled, in addition to any amount received under subsection (a), to a matching payment of $10,000 and additional matching payments equal to the amount of such independent expenditures above $10,000, and expenditures may be made from such payments without regard to the limitations in section 601.

"(c) SPECIFIC REQUIREMENTS.—A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may receive matching funds under subsection (a) only if the candidate—

"(1) in an election cycle, has received $60,000 in contributions from individuals, with not more than $250 to be taken into account per individual;

"(2) qualifies for the general election ballot;

"(3) has an opponent on the general election ballot; and

"(4) files a statement of participation in which the candidate agrees to—

"(A) comply with the limitations under sections 601 and 603;

"(B) cooperate in the case of any audit by the Commission by furnishing such campaign records and other information as the Commission may require; and

"(C) comply with any repayment requirement under section 605.

"(d) WRITTEN INSTRUMENT REQUIREMENT.—No contribution in any form other than a gift of money made by a written instrument that identifies the individual making the contribution may be used as a basis for any matching payment under this section.

"(e) CERTIFICATION AND PAYMENT.—

"(1) CERTIFICATION.—Except as provided in paragraphs (2) and (3), not later than 5 days after receiving a request for payment, the Commission shall certify for payment the amount requested under subsection (a) or (b).

"(2) PAYMENTS.—The initial payment under subsection (a) to an eligible candidate shall be $60,000. All payments shall be—

"(A) made not later than 48 hours after certification under paragraph (1); and

"(B) subject to proportional reduction in the case of insufficient funds.

"(3) INCORRECT REQUEST.—If the Commission determines that any portion of a request is incorrect, the Commission shall withhold the certification for that portion only and inform the candidate as to how the candidate may correct the request.

"(f) CLOSELY CONTESTED PRIMARY.—If, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 10 percentage points or less, the candidate shall be entitled to matching funds totaling not more than $50,000, in addition to any other amount received under this section.

"(g) CONVERSIONS TO PERSONAL USE.—A candidate may not convert any amount received under this section to personal use other than for reimbursement of verifiable prior campaign expenditures.

"(h) INDEXING.—The dollar amounts specified in subsections (a), (b), (c) (other than the amount in subsection (c) to be taken into account per individual), and (f) shall be adjusted at the beginning of the calendar year based on the increase in the price index determined under section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.

"SEC. 605. EXAMINATION AND AUDITS; REPAYMENTS.

"(a) GENERAL ELECTION.—After each general election, the Commission shall conduct an examination and audit of the campaign accounts of 10 percent of the eligible House of Representatives candidates, as designated by the Commission through the use of an appropriate statistical method of random selection, to determine whether such candidates have complied with the conditions of eligibility and other requirements of this title. No other factors shall be considered in carrying out such an examination and audit. In selecting the accounts to be examined and audited, the Commission shall select all eligible candidates from a congressional district where any eligible candidate is selected for examination and audit.

"(b) SPECIAL ELECTION.—After each special election, the Commission shall conduct an examination and audit of the campaign accounts of all eligible candidates in the election to determine whether the candidates have complied with the conditions of eligibility and other requirements of this title.

"(c) AFFIRMATIVE VOTE.—The Commission may conduct an examination and audit of the campaign accounts of any eligible House of Representatives candidate in a general election if the Commission, by an affirmative vote of 4 members, determines that there exists reason to believe that such candidate may have violated any provision of this title.

"(d) PAYMENTS.—If the Commission determines that any amount of a payment to a candidate under this title was in excess of the aggregate payments to which such candidate was entitled, the Commission shall so notify the candidate, and the candidate shall pay an amount equal to the excess.

"SEC. 606. JUDICIAL REVIEW.

"(a) JUDICIAL REVIEW.—Any agency action by the Commission made under the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court within 30 days after the agency action by the Commission for which review is sought. It shall be the duty of the Court of Appeals, ahead of all matters not filed under this title, to advance on the docket and expeditiously take action on all petitions filed pursuant to this title.

"(b) APPLICATION OF TITLE 5.—The provisions of chapter 7 of title 5, United States Code, shall apply to judicial review of any agency action by the Commission.

"(c) AGENCY ACTION.—For purposes of this section, the term 'agency action' has the meaning given such term by section 551(13) of title 5, United States Code.

"SEC. 607. PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS.

"(a) APPEARANCES.—The Commission is authorized to appear in and defend against any action instituted under this section and under section 606 either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) INSTITUTION OF ACTIONS.—The Commission is authorized, through attorneys and counsel described in subsection (a), to institute actions in the district courts of the United States to seek recovery of any amounts determined under this title to be payable to the Secretary.

"(c) INJUNCTIVE RELIEF.—The Commission is authorized, through attorneys and counsel described in subsection (a), to petition the courts of the United States for such injunctive relief as is appropriate in order to implement any provision of this title.

"(d) APPEALS.—The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court for certiorari to review, judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"SEC. 608. REPORTS TO CONGRESS; CERTIFICATIONS; REGULATIONS.

"(a) REPORTS.—The Commission shall, as soon as practicable after each election, submit a full report to the House of Representatives setting forth—

"(1) the expenditures (shown in such detail as the Commission determines appropriate) made by each eligible candidate and the authorized committees of such candidate;

"(2) the aggregate amount of matching fund payments certified by the Commission under section 604 for each eligible candidate; and

"(3) the amount of repayments, if any, required under section 605, and the reasons for each repayment required.

Each report submitted pursuant to this section shall be printed as a House document.

"(b) DETERMINATIONS BY COMMISSION.—All determinations (including certifications under section 604) made by the Commission under this title shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 605 or judicial review under section 606.

"(c) RULES AND REGULATIONS.—The Commission is authorized to prescribe such rules and regulations, in accordance with the provisions of subsection (d), to conduct such audits, examinations and investigations, and to require the

keeping and submission of such books, records, and information, as it deems necessary to carry out the functions and duties imposed on it by this title.

"(d) REPORT OF PROPOSED REGULATIONS.—The Commission shall submit to the House of Representatives a report containing a detailed explanation and justification of each rule, regulation, and form of the Commission under this title. No such rule, regulation, or form may take effect until a period of 30 legislative days has elapsed after the report is received. As used in this subsection—

"(1) the term 'legislative day' means any calendar day on which the House of Representatives is in session; and

"(2) the terms 'rule' and 'regulation' mean a provision or series of interrelated provisions stating a single, separable rule of law.

"SEC. 609. CLOSED CAPTIONING REQUIREMENT FOR TELEVISION COMMERCIALS OF ELIGIBLE HOUSE OF REPRESENTATIVES CANDIDATES.

"No eligible House of Representatives candidate may receive amounts under section 604 unless such candidate has certified that any television commercial prepared or distributed by the candidate will be prepared in a manner that contains, is accompanied by, or otherwise readily permits closed captioning of the oral content of the commercial to be broadcast by way of line 21 of the vertical blanking interval, or by way of comparable successor technologies.".

(b) EFFECT OF INVALIDITY ON OTHER PROVISIONS OF ACT.—If title VI of FECA (as added by this section), or any part thereof, is held to be invalid, all provisions of, and amendments made by, this Act, shall be treated as invalid.

SEC. 122. LIMITATIONS ON POLITICAL COMMITTEE AND LARGE DONOR CONTRIBUTIONS THAT MAY BE ACCEPTED BY HOUSE OF REPRESENTATIVES CANDIDATES.

Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a), as amended by section 102, is amended by adding at the end the following new subsection:

"(j)(1) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to an election cycle, accept contributions from political committees aggregating in excess of $200,000.

"(2) A candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress may not, with respect to an election cycle, accept contributions aggregating in excess of $200,000 from persons other than political committees whose contributions total more than $250.

"(3) In addition to the contributions under paragraphs (1) and (2), a House of Representatives candidate who is a candidate in a runoff election may accept contributions aggregating not more than $100,000 with respect to the runoff election. Of such contributions, one-half may be from political committees and one-half may be from persons referred to in paragraph (2).

"(4) Any amount—

"(A) accepted by a candidate for the office of Representative in, or Delegate or Resident Commissioner to the Congress; and

"(B) used for legal and accounting compliance costs, Federal, State, and local taxes,

shall not be considered in the computation of amounts subject to limitation under paragraphs (1), (2), and (3), but shall be subject to the other limitations of this Act.

"(5) In addition to any other contributions under this subsection, if, as determined by the Commission, an eligible House of Representatives candidate in a contested primary election wins that primary election by a margin of 10 percentage points or less, the candidate may, in the general election period, accept contributions of not more than $150,000, consisting of—

"(A) not more than $50,000 from political committees; and

"(B) not more than $50,000 from persons referred to in paragraph (2).

"(6) The dollar amounts specified in paragraphs (1), (2), (3), and (5) (other than the amounts in paragraphs (2) and (5) relating to contribution totals) shall be adjusted in the manner provided in section 315(c), except that, for the purposes of such adjustment, the base period shall be calendar year 1992.".

SEC. 123. EXCESS FUNDS OF INCUMBENTS WHO ARE CANDIDATES FOR THE HOUSE OF REPRESENTATIVES.

An individual who—

(1) is a candidate for the office of Representative in, or Delegate or Resident Commissioner to, the Congress in an election cycle to which title VI of FECA (as enacted by section 121 of this Act) applies;

(2) is an incumbent of that office; and

(3) as of the date of the first statement of participation submitted by the individual under section 502 of FECA, has campaign accounts containing in excess of $600,000;

shall deposit such excess in a separate account subject to the provision of section 304 of FECA. The amount so deposited shall be available for any lawful purpose other than use, with respect to the individual, for an election for the office of Representative in, or Delegate or Resident Commissioner to, the Congress.

Subtitle C—General Provisions

SEC. 131. BROADCAST RATES AND PREEMPTION.

(a) BROADCAST RATES.—Section 315(b) of the Communications Act of 1934 (47 U.S.C. 315(b)) is amended—

(1) in paragraph (1)—

(A) by striking out "forty-five" and inserting in lieu thereof "30";

(B) by striking out "sixty" and inserting in lieu thereof "45"; and

(C) by striking out "lowest unit charge of the station for the same class and amount of time for the same period" and insert "lowest charge of the station for the same amount of time for the same period on the same date"; and

(2) by adding at the end the following new sentence:

"In the case of an eligible Senate candidate (as defined in section 301(19) of the Federal Election Campaign Act of 1971), the charges during the general election period (as defined in section 301(21) of such Act) shall not exceed 50 percent of the lowest charge described in paragraph (1).".

(b) PREEMPTION; ACCESS.—Section 315 of such Act (47 U.S.C. 315) is amended by redesignating subsections (c) and (d) as subsections (e) and (f), respectively, and by inserting immediately after subsection (b) the following new subsection:

"(c)(1) Except as provided in paragraph (2), a licensee shall not preempt the use, during any period specified in subsection (b)(1), of a broadcasting station by a legally qualified candidate for public office who has purchased and paid for such use pursuant to the provisions of subsection (b)(1).

"(2) If a program to be broadcast by a broadcasting station is preempted because of circumstances beyond the control of the broadcasting station, any candidate advertising spot scheduled to be broadcast during that program may also be preempted.

"(d) In the case of a legally qualified candidate for the United States Senate, a licensee shall provide broadcast time without regard to the rates charged for the time.".

SEC. 132. EXTENSION OF REDUCED THIRD-CLASS MAILING RATES TO ELIGIBLE HOUSE OF REPRESENTATIVES AND SENATE CANDIDATES.

Section 3626(e) of title 39, United States Code, is amended—

(1) in paragraph (2)(A)—

(A) by striking out "and the National" and inserting in lieu thereof "the National"; and

(B) by striking out "Committee;" and inserting in lieu thereof "Committee, and, subject to paragraph (3), the principal campaign committee of an eligible House of Representatives or Senate candidate;";

(2) in paragraph (2)(B), by striking out "and" after the semicolon;

(3) in paragraph (2)(C), by striking out the period and inserting in lieu thereof "; and";

(4) by adding after paragraph (2)(C) the following new subparagraph:

"(D) the terms 'eligible House of Representatives candidate', 'eligible Senate candidate', and 'principal campaign committee' have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971."; and

(5) by adding after paragraph (2) the following new paragraph:

"(3) The rate made available under this subsection with respect to an eligible House of Representatives or Senate candidate shall apply only to—

"(A) the general election period (as defined in section 301 of the Federal Election Campaign Act of 1971); and

"(B) that number of pieces of mail equal to the number of individuals in the voting age population (as certified under section 315(e) of such Act) of the congressional district or State, whichever is applicable.".

SEC. 133. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES.

Section 304(c) of FECA (2 U.S.C. 434(c)) is amended—

(1) in paragraph (2), by striking out the undesignated matter after subparagraph (C);

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2), as amended by paragraph (1), the following new paragraphs:

"(3)(A) Any independent expenditure (including those described in subsection (b)(6)(B)(iii) of this section) aggregating $1,000 or more made after the 20th day, but more than 24 hours, before any election shall be reported within 24 hours after such independent expenditure is made.

"(B) Any independent expenditure aggregating $10,000 or more made at any time up to and including the 20th day before any election shall be reported within 48 hours after such independent expenditure is made. An additional statement shall be filed each time independent expenditures aggregating $10,000 are made with respect to the same election as the initial statement filed under this section.

"(C) Such statement shall be filed with the Clerk of the House of Representatives or the Secretary of the Senate, whichever is applicable, and the Secretary of State of the State involved and shall contain the information required by subsection (b)(6)(B)(iii) of this section, including whether the independent expenditure is in support of, or in opposition to, the candidate involved. The Clerk of the House of Representatives and the Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a report, the Commission shall transmit a copy of the report to each candidate seeking nomination or election to that office.

"(D) For purposes of this section, the term 'made' includes any action taken to incur an obligation for payment.

"(4)(A) If any person intends to make independent expenditures totaling $5,000 during the 20 days before an election, such person shall file a statement no later than the 20th day before the election.

"(B) Such statement shall be filed with the Clerk of the House of Representatives or the Secretary of the Senate, whichever is applicable, and the Secretary of State of the State involved, and shall identify each candidate whom the expenditure will support or oppose. The Clerk of the House of Representatives and the Secretary of the Senate shall as soon as possible (but not later than 4 working hours of the Commission) after receipt of a statement transmit it to the Commission. Not later than 48 hours after the Commission receives a statement under this paragraph, the Commission shall transmit a copy of the statement to each candidate identified.

"(5) The Commission may make its own determination that a person has made, or has incurred obligations to make, independent expenditures with respect to any Federal election which in the aggregate exceed the applicable amounts under paragraph (3) or (4). The Commission shall notify each candidate in such election of such determination within 24 hours of making it.

"(6) At the same time as a candidate is notified under paragraph (3), (4), or (5) with respect to expenditures during a general election period, the Commission shall certify eligibility to receive benefits under section 504(a) or section 604(b).

"(7) The Clerk of the House of Representatives and the Secretary of the Senate shall make any statement received under this subsection available for public inspection and copying in the same manner as the Commission under section 311(a)(4), and shall preserve such statements in the same manner as the Commission under section 311(a)(5)."

SEC. 134. CAMPAIGN ADVERTISING AMENDMENTS.

Section 318 of FECA (2 U.S.C. 441d) is amended—

(1) in the matter before paragraph (1) of subsection (a), by striking "an expenditure" and inserting "a disbursement";

(2) in the matter before paragraph (1) of subsection (a), by striking "direct";

(3) in paragraph (3) of subsection (a), by inserting after "name" the following "and permanent street address"; and

(4) by adding at the end the following new subsections:

"(c) Any printed communication described in subsection (a) shall be—

"(1) of sufficient type size to be clearly readable by the recipient of the communication;

"(2) contained in a printed box set apart from the other contents of the communication; and

"(3) consist of a reasonable degree of color contrast between the background and the printed statement.

"(d)(1) Any broadcast or cablecast communication described in subsection (a)(1) or subsection (a)(2) shall include, in addition to the requirements of those subsections an audio statement by the candidate that identifies the candidate and states that the candidate has approved the communication.

"(2) If a broadcast or cablecast communication described in paragraph (1) is broadcast or cablecast by means of television, the statement required by paragraph (1) shall—

"(A) appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds; and

"(B) be accompanied by a clearly identifiable photographic or similar image of the candidate.

"(e) Any broadcast or cablecast communication described in subsection (a)(3) shall include, in addition to the requirements of those subsections, in a clearly spoken manner, the following statement—

' is responsible for the content of this advertisement'.

with the blank to be filled in with the name of the political committee or other person paying for the communication and the name of any connected organization of the payor; and, if broadcast or cablecast by means of television, shall also appear in a clearly readable manner with a reasonable degree of color contrast between the background and the printed statement, for a period of at least 4 seconds.".

SEC. 135. DEFINITIONS.

(a) IN GENERAL.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraph (19) and inserting the following new paragraphs:

"(19) The term 'eligible Senate candidate' means a candidate who is eligible under section 502 to receive benefits under title V.

"(20) The term 'general election' means any election which will directly result in the election of a person to a Federal office, but does not include an open primary election.

"(21) The term 'general election period' means, with respect to any candidate, the period beginning on the day after the date of the primary or runoff election for the specific office the candidate is seeking, whichever is later, and ending on the earlier of—

"(A) the date of such general election; or

"(B) the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election.

"(22) The term 'immediate family' means—

"(A) a candidate's spouse;

"(B) a child, stepchild, parent, grandparent, brother, half-brother, sister or half-sister of the candidate or the candidate's spouse; and

"(C) the spouse of any person described in subparagraph (B).

"(23) The term 'major party' has the meaning given such term in section 9002(6) of the Internal Revenue Code of 1986, except that if a candidate qualified under State law for the ballot in a general election in an open primary in which all the candidates for the office participated and which resulted in the candidate and at least one other candidate qualifying for the ballot in the general election, such candidate shall be treated as a candidate of a major party for purposes of title V.

"(24) The term 'primary election' means an election which may result in the selection of a candidate for the ballot in a general election for a Federal office.

"(25) The term 'primary election period' means, with respect to any candidate, the period beginning on the day following the date of the last election for the specific office the candidate is seeking and ending on the earlier of—

"(A) the date of the first primary election for that office following the last general election for that office; or

"(B) the date on which the candidate withdraws from the election or otherwise ceases actively to seek election.

"(26) The term 'runoff election' means an election held after a primary election which is prescribed by applicable State law as the means for deciding which candidate will be on the ballot in the general election for a Federal office.

"(27) The term 'runoff election period' means, with respect to any candidate, the period beginning on the day following the date of the last primary election for the specific office such candidate is seeking and ending on the date of the runoff election for such office.

"(28) The term 'voting age population' means the resident population, 18 years of age or older, as certified pursuant to section 315(e).

"(29) The term 'eligible House of Representatives candidate' means a candidate for election to the office of Representative in, or Delegate or Resident Commissioner to, the Congress, who, as determined by the Commission under section 602, is eligible to receive matching payments and other benefits under title VI by reason of filing a statement of participation and complying with the continuing eligibility requirements under section 602.

"(30) The term 'election cycle' means—

"(A) in the case of a candidate or the authorized committees of a candidate, the term beginning on the day after the date of the most recent general election for the specific office or seat which such candidate seeks and ending on the date of the next general election for such office or seat; or

"(B) for all other persons, the term beginning on the first day following the date of the last general election and ending on the date of the next general election.".

(b) IDENTIFICATION.—Section 301(13) of FECA (2 U.S.C. 431(13)) is amended by striking "mailing address" and inserting "permanent residence address".

TITLE II—INDEPENDENT EXPENDITURES

SEC. 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES.

(a) INDEPENDENT EXPENDITURE DEFINITION AMENDMENT.—Section 301 of FECA (2 U.S.C. 431) is amended by striking paragraphs (17) and (18) and inserting the following:

"(17)(A) The term 'independent expenditure' means an expenditure for an advertisement or other communication that—

"(i) contains express advocacy; and

"(ii) is made without the participation or cooperation of a candidate or a candidate's representative.

"(B) The following shall not be considered an independent expenditure:

"(i) An expenditure made by a political committee of a political party.

"(ii) An expenditure made by a person who, during the election cycle, has communicated with or received information from a candidate or a representative of that candidate regarding activities that have the purpose of influencing that candidate's election to Federal office, where the expenditure is in support of that candidate or in opposition to another candidate for that office.

"(iii) An expenditure if there is any arrangement, coordination, or direction with respect to the expenditure between the candidate or the candidate's agent and the person making the expenditure.

"(iv) An expenditure if, in the same election cycle, the person making the expenditure is or has been—

"(I) authorized to raise or expend funds on behalf of the candidate or the candidate's authorized committees; or

"(II) serving as a member, employee, or agent of the candidate's authorized committees in an executive or policymaking position.

"(v) An expenditure if the person making the expenditure has advised or counseled the candidate or the candidate's agents at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's decision to seek Federal office.

"(vi) An expenditure if the person making the expenditure retains the professional services of any individual or other person also providing those services in the same election cycle to the candidate in connection with the candidate's pursuit of nomination for election, or election, to Federal office, including any services relating to the candidate's decision to seek Federal office.

"(vii) An expenditure if the person making the expenditure has consulted at any time during the same election cycle about the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, with—

"(I) any officer, director, employee or agent of a party committee that has made or intends to make expenditures or contributions, pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign; or

"(II) any person whose professional services have been retained by a political party committee that has made or intends to make expenditures or contributions pursuant to subsections (a), (d), or (h) of section 315 in connection with the candidate's campaign.

For purposes of this subparagraph, the person making the expenditure shall include any officer, director, employee, or agent of such person.

"(18) The term 'express advocacy' means, when a communication is taken as a whole, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.".

(b) CONTRIBUTION DEFINITION AMENDMENT.—Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)) is amended—

(1) in clause (i), by striking "or" after the semicolon at the end;

(2) in clause (ii), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new clause:

"(iii) any payment or other transaction referred to in paragraph (17)(A)(i) that does not qualify as an independent expenditure under paragraph (17)(A)(ii).".

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

SEC. 301. PERSONAL CONTRIBUTIONS AND LOANS.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 122, is amended by adding at the end the following new subsection:

"(k) LIMITATIONS ON PAYMENTS TO CANDIDATES.—(1) If a candidate or a member of the candidate's immediate family made any loans to the candidate or to the candidate's authorized committees during any election cycle, no contributions after the date of the general election for such election cycle may be used to repay such loans.

"(2) No contribution by a candidate or member of the candidate's immediate family may be returned to the candidate or member other than as part of a pro rata distribution of excess contributions to all contributors.".

SEC. 302. EXTENSIONS OF CREDIT.

Section 301(8)(A) of FECA (2 U.S.C. 431(8)(A)), as amended by section 201(b), is amended—

(1) by striking "or" at the end of clause (ii);

(2) by striking the period at the end of clause (iii) and inserting "; or"; and

(3) by inserting at the end the following new clause:

"(iv) with respect to a candidate and the candidate's authorized committees, any extension of credit for goods or services relating to advertising on broadcasting stations, in newspapers or magazines, or by mailings, or relating to other similar types of general public political advertising, if such extension of credit is—

"(I) in an amount of more than $1,000; and

"(II) for a period greater than the period, not in excess of 60 days, for which credit is generally extended in the normal course of business after the date on which such goods or services are furnished or the date of the mailing in the case of advertising by a mailing.".

Subtitle B—Provisions Relating to Soft Money of Political Parties

SEC. 311. CONTRIBUTIONS TO POLITICAL PARTY COMMITTEES.

(a) INDIVIDUAL CONTRIBUTIONS TO STATE PARTY.—Paragraph (1) of section 315(a) of FECA (2 U.S.C. 441a(a)(1)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to political committees established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000; or".

(b) MULTICANDIDATE COMMITTEE CONTRIBUTIONS TO STATE PARTY.—Paragraph (2) of section 315(a) of FECA (2 U.S.C. 441a(a)(2)) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

"(C) to political committees established and maintained by a State committee of a political party in any calendar year which, in the aggregate, exceed $10,000; or".

(c) INCREASE IN OVERALL LIMIT.—Paragraph (3) of section 315(a) of FECA (2 U.S.C. 441a(a)(3)) is amended by adding at the end thereof the following new sentence: "The limitation under this paragraph shall be increased (but not by more than $5,000) by the amount of contributions made by an individual during a calendar year to political committees which are taken into account for purposes of paragraph (1)(C).".

SEC. 312. PROVISIONS RELATING TO NATIONAL, STATE, AND LOCAL PARTY COMMITTEES.

(a) EXPENDITURES BY STATE COMMITTEES IN CONNECTION WITH PRESIDENTIAL CAMPAIGNS.—Section 315(d) of FECA (2 U.S.C. 441a(d)) is amended by inserting at the end thereof the following new paragraph:

"(4) A State committee of a political party, including subordinate committees of that State committee, shall not make expenditures in connection with the general election campaign of a candidate for President of the United States who is affiliated with such party which, in the aggregate, exceed an amount equal to 4 cents multiplied by the voting age population of the State, as certified under subsection (e). This paragraph shall not authorize a committee to make expenditures for audio broadcasts (including television broadcasts) in excess of the amount which could have been made without regard to this paragraph.".

(b) CONTRIBUTION AND EXPENDITURE EXCEPTIONS.—(1) Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(A) in clause (xi), by striking "direct mail" and inserting "mail"; and

(B) by repealing clauses (x) and (xii).

(2) Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended by repealing clauses (viii) and (ix).

(c) SOFT MONEY OF COMMITTEES OF POLITICAL PARTIES.—(1) Title III of FECA is amended by inserting after section 323 the following new section:

"POLITICAL PARTY COMMITTEES

"SEC. 324. (a) Any amount solicited, received, or expended directly or indirectly by a national, State, district, or local committee of a political party (including any subordinate committee) with respect to an activity which, in whole or in part, is in connection with an election to Federal office shall be subject in its entirety to the limitations, prohibitions, and reporting requirements of this Act.

"(b) For purposes of subsection (a)—

"(1) Any activity which is solely for the purpose of influencing an election for Federal office is in connection with an election for Federal office.

"(2) Except as provided in paragraph (3), any of the following activities during a Federal election period shall be treated as in connection with an election for Federal office:

"(A) Voter registration and get-out-the-vote activities.

"(B) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that—

"(i) are generic campaign activities; or

"(ii) identify a Federal candidate regardless of whether a State or local candidate is also identified.

"(C) The preparation and dissemination of campaign materials that are part of a generic campaign activity or that identify a Federal candidate, regardless of whether a State or local candidate is also identified.

"(D) Development and maintenance of voter files.

"(E) Any other activity affecting (in whole or in part) an election for Federal office.

"(3) The following shall not be treated as in connection with a Federal election:

"(A) Any amount described in section 301(8)(B)(viii).

"(B) Any amount contributed to a candidate for other than Federal office.

"(C) Any amount received or expended in connection with a State or local political convention.

"(D) Campaign activities, including broadcasting, newspaper, magazine, billboard, mass mail, and newsletter communications, and similar kinds of communications or public advertising that are exclusively on behalf of State or local candidates and are not activities described in paragraph (2)(A).

"(E) Administrative expenses of a State or local committee of a political party, including expenses for—

"(i) overhead;

"(ii) staff (other than individuals devoting a substantial portion of their activities to elections for Federal office);

"(iii) meetings; and

"(iv) conducting party elections or caucuses.

"(F) Research pertaining solely to State and local candidates and issues.

"(G) Development and maintenance of voter files other than during a Federal election period.

"(H) Activities described in paragraph (2)(A) which are conducted other than during a Federal election period.

"(I) Any other activity which is solely for the purpose of influencing, and which solely affects, an election for non-Federal office.

"(4) For purposes of this subsection, the term 'Federal election period' means the period—

"(A) beginning on June 1, of any even-numbered calendar year (April 1 if an election to the office of President occurs in such year), and

"(B) ending on the date during such year on which regularly scheduled general elections for Federal office occur.

In the case of a special election, the Federal election period shall include at least the 60-day period ending on the date of the election.

"(c) SOLICITATION OF COMMITTEES.—(1) A national committee of a political party may not solicit or accept contributions not subject to the limitations, prohibitions, and reporting requirements of this Act.

"(2) Paragraph (1) shall not apply to contributions that—

"(A) are to be transferred to a State committee of a political party for use directly for activities described in subsection (b)(3); or

"(B) are to be used by the committee primarily to support such activities.

"(d) AMOUNTS RECEIVED FROM STATE AND LOCAL CANDIDATE COMMITTEES.—(1) For purposes of subsection (a), any amount received by a national, State, district, or local committee of a political party (including any subordinate

committee) from a State or local candidate committee shall be treated as meeting the requirements of subsection (a) and section 304(d) if—

"(A) such amount is derived from funds which meet the requirements of this Act with respect to any limitation or prohibition as to source or dollar amount, and

"(B) the State or local candidate committee—

"(i) maintains, in the account from which payment is made, records of the sources and amounts of funds for purposes of determining whether such requirements are met, and

"(ii) certifies to the other committee that such requirements were met.

"(2) Notwithstanding paragraph (1), any committee receiving any contribution described in paragraph (1) from a State or local candidate committee shall be required to meet the reporting requirements of this Act with respect to receipt of the contribution from such candidate committee.

"(3) For purposes of this subsection, a State or local candidate committee is a committee established, financed, maintained, or controlled by a candidate for other than Federal office.".

(2) Section 315(d) of FECA (2 U.S.C. 441a(d)), as amended by subsection (a), is amended by adding at the end thereof the following new paragraph:

"(5)(A) The national committee of a political party, the congressional campaign committees of a political party, and a State or local committee of a political party, including a subordinate committee of any of the preceding committees, shall not make expenditures during any calendar year for activities described in section 324(b)(2) with respect to such State which, in the aggregate, exceed an amount equal to 30 cents multiplied by the voting age population of the State (as certified under subsection (e)).

"(B) Expenditures authorized under this paragraph shall be in addition to other expenditures allowed under this subsection, except that this paragraph shall not authorize a committee to make expenditures to which paragraph (3) or (4) applies in excess of the limit applicable to such expenditures under paragraph (3) or (4).

"(C) No adjustment to the limitation under this paragraph shall be made under subsection (c) before 1992 and the base period for purposes of any such adjustment shall be 1990.

"(D) For purposes of this paragraph—

"(i) a local committee of a political party shall only include a committee that is a political committee (as defined in section 301(4)); and

"(ii) a State committee shall not be required to record or report under this Act the expenditures of any other committee which are made independently from the State committee.".

(3) Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end the following new sentence:

"For purposes of subparagraph (C), any payments for get-out-the-vote activities on behalf of candidates for office other than Federal office shall be treated as payments exempted from the definition of expenditure under paragraph (9) of this section.".

(d) GENERIC ACTIVITIES.—Section 301 of FECA (2 U.S.C. 431), as amended by section 135, is amended by adding at the end thereof the following new paragraph:

"(31) The term 'generic campaign activity' means a campaign activity the preponderant purpose or effect of which is to promote a political party rather than any particular Federal or non-Federal candidate.".

SEC. 313. RESTRICTIONS ON FUNDRAISING BY CANDIDATES AND OFFICEHOLDERS.

(a) STATE FUNDRAISING ACTIVITIES.—Section 315 of FECA (2 U.S.C. 441a), as amended by section 301, is amended by adding at the end thereof the following new subsection:

"(l) LIMITATIONS ON FUNDRAISING ACTIVITIES OF FEDERAL CANDIDATES AND OFFICEHOLDERS AND CERTAIN POLITICAL COMMITTEES.—(1) For purposes of this Act, a candidate for Federal office (or an individual holding Federal office) may not solicit funds to, or receive funds on behalf of, any Federal or non-Federal candidate or political committee—

"(A) which are to be expended in connection with any election for Federal office unless such funds are subject to the limitations, prohibitions, and requirements of this Act; or

"(B) which are to be expended in connection with any election for other than Federal office unless such funds are not in excess of amounts permitted with respect to Federal candidates and political committees under this Act, and are not from sources prohibited by this Act with respect to elections to Federal office.

"(2)(A) The aggregate amount which a person described in subparagraph (B) may solicit from a multicandidate political committee for State committees described in subsection (a)(1)(C) (including subordinate committees) for any calendar year shall not exceed the dollar amount in effect under subsection (a)(2)(B) for the calendar year.

"(B) A person is described in this subparagraph if such person is a candidate for Federal office, an individual holding Federal office, or any national, State, district, or local committee of a political party (including subordinate committees).

"(3) The appearance or participation by a candidate or individual in any activity (including fundraising) conducted by a committee of a political party or a candidate for other than Federal office shall not be treated as a solicitation for purposes of paragraph (1) if—

"(A) such appearance or participation is otherwise permitted by law; and

"(B) such candidate or individual does not solicit or receive, or make expenditures from, any funds resulting from such activity.

"(4) Paragraph (1) shall not apply to the solicitation or receipt of funds, or disbursements, by an individual who is a candidate for other than Federal office if such activity is permitted under State law.

"(5) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual is described in section 101(f) of the Ethics in Government Act of 1978.".

(b) TAX-EXEMPT ORGANIZATIONS.—Section 315 of FECA (2 U.S.C. 441a), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(m) TAX-EXEMPT ORGANIZATIONS.—(1) If during any period an individual is a candidate for, or holds, Federal office, such individual may not during such period solicit contributions to, or on behalf of, any organization which is described in section 501(c) of the Internal Revenue Code of 1986 if a significant portion of the activities of such organization include voter registration or get-out-the-vote campaigns.

"(2) For purposes of this subsection, an individual shall be treated as holding Federal office if such individual is described in section 101(f) of the Ethics in Government Act of 1978.".

SEC. 314. REPORTING REQUIREMENTS.

(a) REPORTING REQUIREMENTS.—Section 304 of FECA (2 U.S.C. 434) is amended by adding at the end thereof the following new subsection:

"(d) POLITICAL COMMITTEES.—(1) The national committee of a political party and any congressional campaign committee, and any subordinate committee of either, shall report all receipts and disbursements during the reporting period, whether or not in connection with an election for Federal office.

"(2) A political committee (not described in paragraph (1)) to which section 324 applies shall report all receipts and disbursements in connection with a Federal election (as determined under section 324).

"(3) Any political committee to which section 324 applies shall include in its report under paragraph (1) or (2) the amount of any transfer described in section 324(c) and the reason for the transfer.

"(4) Any political committee to which paragraph (1) or (2) does not apply shall report any receipts or disbursements which are used in connection with a Federal election.

"(5) If any receipt or disbursement to which this subsection applies exceeds $200, the political committee shall include identification of the person from whom, or to whom, such receipt or disbursement was made.

"(6) Reports required to be filed by this subsection shall be filed for the same time periods required for political committees under subsection (a).".

(b) REPORT OF EXEMPT CONTRIBUTIONS.—Section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)) is amended by inserting at the end thereof the following:

"(C) The exclusions provided in clauses (v) and (viii) of subparagraph (B) shall not apply for purposes of any requirement to report contributions under this Act, and all such contributions in excess of $200 shall be reported.".

(c) REPORTING OF EXEMPT EXPENDITURES.—Section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9)) is amended by inserting at the end thereof the following:

"(C) The exclusions provided in clause (iv) of subparagraph (B) shall not apply for purposes of any requirement to report expenditures under this Act, and all such expenditures in excess of $200 shall be reported.".

(d) CONTRIBUTIONS AND EXPENDITURES OF POLITICAL COMMITTEES.—Section 301(4) of FECA (2 U.S.C. 431(4)) is amended by adding at the end the following: "For purposes of this paragraph, the receipt of contributions or the making of, or obligating to make, expenditures shall be determined by the Commission on the basis of facts and circumstances, in whatever combination, demonstrating a purpose of influencing any election for Federal office, including, but not limited to, the representations made by any person soliciting funds about their intended uses; the identification by name of individuals who are candidates for Federal office or of any political party, in general public political advertising; and the proximity to any primary, runoff, or general election of general public political advertising designed or reasonably calculated to influence voter choice in that election.".

(e) REPORTS BY STATE COMMITTEES.—Section 304 of FECA (2 U.S.C. 434), as amended by subsection (a), is amended by adding at the end thereof the following new subsection:

"(e) FILING OF STATE REPORTS.—In lieu of any report required to be filed by this Act, the Commission may allow a State committee of a political party to file with the Commission a report required to be filed under State law if the Commission determines such reports contain substantially the same information.".

TITLE IV—CONTRIBUTIONS

SEC. 401. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.

Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions made or arranged to be

made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

"(ii) the intermediary or conduit is—

"(I) a political committee with a connected organization;

"(II) an officer, employee, or agent of such a political committee;

"(III) a political party;

"(IV) a partnership or sole proprietorship;

"(V) a person required to register under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267) or the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.); or

"(VI) an organization prohibited from making contributions under section 316, or an officer, employee, or agent of such an organization acting on the organization's behalf.

"(C)(i) The term 'intermediary or conduit' does not include—

"(I) a candidate or representative of a candidate receiving contributions to the candidate's principal campaign committee or authorized committee;

"(II) a professional fundraiser compensated for fundraising services at the usual and customary rate;

"(III) a volunteer hosting a fundraising event at the volunteer's home, in accordance with section 301(8)(B); or

"(IV) an individual who transmits a contribution from the individual's spouse.

"(ii) The term 'representative' means an individual who is expressly authorized by the candidate to engage in fundraising, and who occupies a significant position within the candidate's campaign organization, provided that the individual is not described in subparagraph (B)(ii).

"(iii) The term 'contributions made or arranged to be made' includes—

"(I) contributions delivered to a particular candidate or the candidate's authorized committee or agent; and

"(II) contributions directly or indirectly arranged to be made to a particular candidate or the candidate's authorized committee or agent, in a manner that identifies directly or indirectly to the candidate or authorized committee or agent the person who arranged the making of the contributions or the person on whose behalf such person was acting.

"(iv) The term 'acting on the organization's behalf' includes the following activities by an officer, employee or agent of a person described in subparagraph (B)(ii)(IV):

"(I) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate in the name of, or by using the name of, such a person.

"(II) Soliciting or directly or indirectly arranging the making of a contribution to a particular candidate using other than incidental resources of such a person.

"(III) Soliciting contributions for a particular candidate by substantially directing the solicitations to other officers, employees, or agents of such a person.

"(D) Nothing in this paragraph shall prohibit—

"(i) bona fide joint fundraising efforts conducted solely for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, in accordance with rules prescribed by the Commission, by—

"(I) 2 or more candidates;

"(II) 2 or more national, State, or local committees of a political party within the meaning of section 301(4) acting on their own behalf; or

"(III) a special committee formed by 2 or more candidates, or a candidate and a national, State, or local committee of a political party acting on their own behalf; or

"(ii) fundraising efforts for the benefit of a candidate that are conducted by another candidate.

"(iii) bona fide fundraising efforts conducted by and solely on behalf of an individual for the purpose of sponsorship of a fundraising reception, dinner, or other similar event, but only if all contributions are made directly to a candidate or a representative of a candidate.

When a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and to the intended recipient.".

SEC. 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE.

Section 315 of FECA (2 U.S.C. 441a), as amended by section 313(b), is amended by adding at the end the following new subsection:

"(n) For purposes of this section, any contribution by an individual who—

"(1) is a dependent of another individual; and

"(2) has not, as of the time of such contribution, attained the legal age for voting for elections to Federal office in the State in which such individual resides,

shall be treated as having been made by such other individual. If such individual is the dependent of another individual and such other individual's spouse, the contribution shall be allocated among such individuals in the manner determined by them.".

SEC. 403. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED.

Section 315(a) of FECA (2 U.S.C. 441a(a)) is amended by adding at the end the following new paragraph:

"(9) A candidate for Federal office may not accept, with respect to an election, any contribution from a State or local committee of a political party (including any subordinate committee of such committee), if such contribution, when added to the total of contributions previously accepted from all such committees of that political party, exceeds a limitation on contributions to a candidate under this section.".

SEC. 404. LIMITED EXCLUSION OF ADVANCES BY CAMPAIGN WORKERS FROM THE DEFINITION OF THE TERM "CONTRIBUTION".

Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)) is amended—

(1) in clause (xiii), by striking "and" after the semicolon at the end;

(2) in clause (xiv), by striking the period at the end and inserting: "; and"; and

(3) by adding at the end the following new clause:

"(xv) any advance voluntarily made on behalf of an authorized committee of a candidate by an individual in the normal course of such individual's responsibilities as a volunteer for, or employee of, the committee, if the advance is reimbursed by the committee within 10 days after the date on which the advance is made, and the value of advances on behalf of a committee does not exceed $500 with respect to an election.".

TITLE V—REPORTING REQUIREMENTS

SEC. 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Paragraphs (2) through (7) of section 304(b) of FECA (2 U.S.C. 434(b)(2)–(7)) are amended by inserting after "calendar year" each place it appears the following: "(election cycle, in the case of an authorized committee of a candidate for Federal office)".

SEC. 502. PERSONAL AND CONSULTING SERVICES.

Section 304(b)(5)(A) of FECA (2 U.S.C. 434(b)(5)(A)) is amended by adding before the semicolon at the end the following: ", except that if a person to whom an expenditure is made is merely providing personal or consulting services and is in turn making expenditures to other persons (not including employees) who provide goods or services to the candidate or his or her authorized committees, the name and address of such other person, together with the date, amount and purpose of such expenditure shall also be disclosed".

SEC. 503. REDUCTION IN THRESHOLD FOR REPORTING OF CERTAIN INFORMATION BY PERSONS OTHER THAN POLITICAL COMMITTEES.

Section 304(b)(3)(A) of FECA (2 U.S.C. 434(b)(3)(A)) is amended by striking "$200" and inserting "$50".

SEC. 504. COMPUTERIZED INDICES OF CONTRIBUTIONS.

Section 311(a) of FECA (2 U.S.C. 438(a)) is amended—

(1) by striking "and" at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(11) maintain computerized indices of contributions of $50 or more.".

TITLE VI—FEDERAL ELECTION COMMISSION

SEC. 601. USE OF CANDIDATES' NAMES.

Section 302(e)(4) of FECA (2 U.S.C. 432(e)(4)) is amended to read as follows:

"(4)(A) The name of each authorized committee shall include the name of the candidate who authorized the committee under paragraph (1).

"(B) A political committee that is not an authorized committee shall not include the name of any candidate in its name or use the name of any candidate in any activity on behalf of such committee in such a context as to suggest that the committee is an authorized committee of the candidate or that the use of the candidate's name has been authorized by the candidate.".

SEC. 602. REPORTING REQUIREMENTS.

(a) OPTION TO FILE MONTHLY REPORTS—Section 304(a)(2) of FECA (2 U.S.C. 434(a)(2)) is amended—

(1) in subparagraph (A) by striking "and" at the end;

(2) in subparagraph (B) by striking the period at the end and inserting "; and"; and

(3) by inserting the following new subparagraph at the end:

"(C) in lieu of the reports required by subparagraphs (A) and (B), the treasurer may file monthly reports in all calendar years, which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-primary election report and a pre-general election report shall be filed in accordance with subparagraph (A)(i), a post-general election report shall be filed in accordance with subparagraph (A)(ii), and a year end report shall be filed no later than January 31 of the following calendar year.".

(b) FILING DATE.—Section 304(a)(4)(B) of FECA (2 U.S.C. 434(a)(4)(B)) is amended by striking "20th" and inserting "15th".

SEC. 603. PROVISIONS RELATING TO THE GENERAL COUNSEL OF THE COMMISSION.

(a) VACANCY IN THE OFFICE OF GENERAL COUNSEL.—Section 306(f) of FECA (2 U.S.C. 437c(f)) is amended by adding at the end the following new paragraph:

"(5) In the event of a vacancy in the office of general counsel, the next highest ranking enforcement official in the general counsel's office shall serve as acting general counsel with full powers of the general counsel until a successor is appointed.".

(b) PAY OF THE GENERAL COUNSEL.—Section 306(f)(1) of FECA (2 U.S.C. 437c(f)(1)) is amended—

(1) by inserting "and the general counsel" after "staff director" in the second sentence; and

(2) by striking the third sentence.

SEC. 604. ENFORCEMENT.

(a) BASIS FOR ENFORCEMENT PROCEEDING.—Section 309(a)(2) of FECA (2 U.S.C. 437g(a)(2)) is amended by striking "it has reason to believe that a person has committed, or is about to commit" and inserting "facts have been alleged or ascertained that, if true, give reason to believe that a person may have committed, or may be about to commit".

(b) AUTHORITY TO SEEK INJUNCTION.—(1) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended by adding at the end the following new paragraph:

"(13)(A) If, at any time in a proceeding described in paragraph (1), (2), (3), or (4), the Commission believes that—

"(i) there is a substantial likelihood that a violation of this Act or of chapter 95 or chapter 96 of the Internal Revenue Code of 1986 is occurring or is about to occur;

"(ii) the failure to act expeditiously will result in irreparable harm to a party affected by the potential violation;

"(iii) expeditious action will not cause undue harm or prejudice to the interests of others; and

"(iv) the public interest would be best served by the issuance of an injunction,

the Commission may initiate a civil action for a temporary restraining order or a temporary injunction pending the outcome of the proceedings described in paragraphs (1), (2), (3), and (4).

"(B) An action under subparagraph (A) shall be brought in the United States district court for the district in which the defendant resides, transacts business, or may be found.".

(2) Section 309(a) of FECA (2 U.S.C. 437g(a)) is amended—

(A) in paragraph (7) by striking "(5) or (6)" and inserting "(5), (6), or (13)"; and

(B) in paragraph (11) by striking "(6)" and inserting "(6) or (13)".

SEC. 605. PENALTIES.

(a) PENALTIES PRESCRIBED IN CONCILIATION AGREEMENTS.—(1) Section 309(a)(5)(A) of FECA (2 U.S.C. 437g(a)(5)(A)) is amended by striking "which does not exceed the greater of $5,000 or an amount equal to any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than 50 percent of all contributions and expenditures involved in the violation (or such lesser amount as the Commission provides if necessary to ensure that the penalty is not unjustly disproportionate to the violation); and

"(ii) not greater than all contributions and expenditures involved in the violation".

(2) Section 309(a)(5)(B) of FECA (2 U.S.C. 437g(a)(5)(B)) is amended by striking "which does not exceed the greater of $10,000 or an amount equal to 200 percent of any contribution or expenditure involved in such violation" and inserting "which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 150 percent of all contributions and expenditures involved in the violation".

(b) PENALTIES WHEN VIOLATIONS ARE ADJUDICATED IN COURT.—(1) Section 309(a)(6)(A) of FECA (2 U.S.C. 437g(a)(6)(A)) is amended by striking all that follows "appropriate order" and inserting ", including an order for a civil penalty in the amount determined under subparagraph (A) or (B) in the district court of the United States for the district in which the defendant resides, transacts business, or may be found.".

(2) Section 309(a)(6)(B) of FECA (2 U.S.C. 437g(a)(6)(B)) is amended by striking all that follows "other order" and inserting ", including an order for a civil penalty which is—

"(i) not less than all contributions and expenditures involved in the violation; and

"(ii) not greater than 200 percent of all contributions and expenditures involved in the violation,

upon a proper showing that the person involved has committed, or is about to commit (if the relief sought is a permanent or temporary injunction or a restraining order), a violation of this Act or chapter 95 of chapter 96 of the Internal Revenue Code of 1986.".

(3) Section 309(a)(6)(C) of FECA (29 U.S.C. 437g(6)(C)) is amended by striking "a civil penalty" and all that follows and inserting "a civil penalty which is—

"(i) not less than 200 percent of all contributions and expenditures involved in the violation; and

"(ii) not greater than 250 percent of all contributions and expenditures involved in the violation.".

SEC. 606. RANDOM AUDITS.

Section 311(b) of FECA (2 U.S.C. 438(b)) is amended—

(1) by inserting "(1)" before "The Commission"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding paragraph (1), the Commission may from time to time conduct random audits and investigations to ensure voluntary compliance with this Act. The subjects of such audits and investigations shall be selected on the basis of criteria established by vote of at least 4 members of the Commission to ensure impartiality in the selection process. This paragraph does not apply to an authorized committee of an eligible Senate candidate subject to audit under section 505(a) or an authorized committee of an eligible House of Representatives candidate subject to audit under section 605(a).".

SEC. 607. PROHIBITION OF FALSE REPRESENTATION TO SOLICIT CONTRIBUTIONS.

Section 322 of FECA (2 U.S.C. 441h) is amended—

(1) by inserting after "SEC. 322." the following: "(a)"; and

(2) by adding at the end the following:

"(b) No person shall solicit contributions by falsely representing himself as a candidate or as a representative of a candidate, a political committee, or a political party.".

SEC. 608. REGULATIONS RELATING TO USE OF NON-FEDERAL MONEY.

Section 306 of FECA (2 U.S.C. 437c) is amended by adding at the end the following new subsection:

"(g) The Commission shall promulgate rules to prohibit devices or arrangements which have the purpose or effect of undermining or evading the provisions of this Act restricting the use of non-Federal money to affect Federal elections.".

TITLE VII—BALLOT INITIATIVE COMMITTEES

SEC. 701. DEFINITIONS RELATING TO BALLOT INITIATIVES.

Section 301 of FECA (2 U.S.C. 431), as amended by section 312(d), is amended by adding at the end the following new paragraphs:

"(32) The term 'ballot initiative political committee' means any committee, club, association, or other group of persons which makes ballot initiative expenditures or receives ballot initiative contributions in excess of $1,000 during a calendar year.

"(33) The term 'ballot initiative contribution' means any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing the outcome of any referendum or other ballot initiative voted on at the State, commonwealth, territory, or District of Columbia level which involves—

"(A) interstate commerce;

"(B) the election of candidates for Federal office and the permissible terms of those so elected;

"(C) Federal taxation of individuals, corporations, or other entities; or

"(D) the regulation of speech or press, or any other right guaranteed under the United States Constitution.

"(34) The term 'ballot initiative expenditure' means any purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made by any person for the purpose of influencing the outcome of any referendum or other ballot initiative voted on at the state, commonwealth, territory, or District of Columbia level which involves—

"(A) interstate commerce;

"(B) the election of candidates for Federal office and the permissible terms of those so elected;

"(C) Federal taxation of individuals, corporations, or other entities; or

"(D) the regulation of speech or press, or any other right guaranteed under the United States Constitution.".

SEC. 702. AMENDMENT TO DEFINITION OF CONTRIBUTION.

Section 301(8)(B) of FECA (2 U.S.C. 431(8)(B)), as amended by section 404, is amended—

(1) in clause (xiv), by striking "and" after the semicolon;

(2) in clause (xv), by striking the period and inserting "; and"; and

(3) by adding at the end the following new clause:

"(xvi) a ballot initiative contribution.".

SEC. 703. AMENDMENT TO DEFINITION OF EXPENDITURE.

Section 301(9)(B) of FECA (2 U.S.C. 431(9)(B)) is amended—

(1) in clause (ix)(3), by striking "and" after the semicolon;

(2) in clause (x), by striking the period and inserting "; and"; and

(3) by adding at the end the following new clause:

"(xi) a ballot initiative expenditure.".

SEC. 704. ORGANIZATION OF BALLOT INITIATIVE COMMITTEES.

Title III of FECA (2 U.S.C. 431 et seq.) is amended by inserting after section 302 (2 U.S.C. 432) the following new section:

"ORGANIZATION OF BALLOT INITIATIVE COMMITTEES

"SEC. 302A. (a) Every ballot initiative political committee shall have a treasurer. No ballot initiative contribution shall be accepted or ballot initiative expenditure shall be made by or on behalf of a ballot initiative political committee during any period in which the office of treasurer is vacant.

"(b)(1) Every person who receives a ballot initiative contribution for a ballot initiative political committee shall—

"(A) if the amount is $50 or less, forward to the treasurer such contribution no later than 30 days after receiving the contribution; and

"(B) if the amount of the ballot initiative contribution is in excess of $50, forward to the treasurer such contribution, the name, address, and occupation of the person making such contribution, and the date of receiving such contribution, no later than 10 days after receiving such contribution.

"(2) All funds of a ballot initiative political committee shall be segregated from, and may not be commingled with, the personal funds of any individual.

"(3) The treasurer of a ballot initiative political committee shall keep an account for—

"(A) all ballot initiative contributions received by or on behalf of such ballot initiative political committee;

"(B) the name and address of any person who makes a ballot initiative contribution in excess of $50, together with the date and amount of such ballot initiative contribution by any person;

"(C) the identification of any person who makes a ballot initiative contribution or ballot initiative contributions aggregating more than $200 during a calendar year, together with the date and amount of any such contribution;

"(D) the identification of any political committee or ballot initiative political committee which makes a ballot initiative contribution, together with the date and amount of any such contribution; and

"(E) the name and address of every person to whom any ballot initiative expenditure is made, the date, amount and purpose of such ballot initiative expenditure, and the name of the ballot initiative(s) to which the ballot initiative expenditure pertained.

"(c) The treasurer shall preserve all records required to be kept by this section 3 years after the report is filed.".

SEC. 705. BALLOT INITIATIVE COMMITTEE REPORTING REQUIREMENTS.

Title III of FECA (2 U.S.C. 431 et seq.), as amended by section 103, is amended by inserting after section 30A (2 U.S.C. 434) the following new section:

"BALLOT INITIATIVE COMMITTEE REPORTING REQUIREMENTS

"SEC. 304B. (a)(1) Each treasurer of a ballot initiative political committee shall file reports of receipts and disbursements in accordance with the provisions of this subsection. The treasurer shall sign each such report.

"(2) All ballot initiative political committees shall file either—

"(A)(i) quarterly reports in each calendar year when a ballot initiative is slated regarding which the ballot initiative committee plans to make or makes a ballot initiative expenditure or plans to receive or receives a ballot initiative contribution, which shall be filed no later than the 15th day after the last day of each calendar quarter: except that the report for the quarter ending on December 31 of such calendar year shall be filed no later than January 31 of the following calendar year; and

"(ii) preballot initiative reports, which shall be filed 5 days before the occurrence of each ballot initiative in which the ballot initiative committee plans to make or has made a ballot initiative expenditure or plans to receive or has received a ballot initiative contribution; or

"(B) monthly reports in all calendar years which shall be filed no later than the 15th day after the last day of the month and shall be complete as of the last day of the month.

"(3) If a designation, report, or statement filed pursuant to this section (other than under paragraph (2)(A)(ii)) is sent by registered or certified mail, the United States postmark shall be considered the date of filing of the designation, report, or statement.

"(4) The reports required to be filed by this section shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous report during each year, only the amount need be carried forward.

"(b) Each report under this section shall disclose—

"(1) the amount of cash on hand at the beginning of the reporting period;

"(2) for the reporting period and the calendar year, the total amount of all receipts, and the total amount of all receipts in the following categories:

"(A) ballot initiative contributions from persons other than political committees;

"(B) ballot initiative contributions from political party committees;

"(C) ballot initiative contributions from other political committees and ballot initiative political committees;

"(D) transfers from affiliated political committees;

"(E) loans;

"(F) rebates, refunds, and other offsets to operating expenditures; and

"(G) dividends, interest, and other forms of receipts;

"(3) the identification of each—

"(A) person (other than a political committee or ballot initiative political committee) who makes a ballot initiative contribution to the reporting committee during the reporting period, whose ballot initiative contribution or ballot initiative contributions have an aggregate amount or value in excess of $50 within the calendar year, or in any lesser amount if the reporting committee should so elect, together with the date and amount of any such contribution and the address and occupation (if an individual) of the person;

"(B) political committee or ballot initiative political committee which makes a ballot initiative contribution to the reporting committee during the reporting period, together with the date and amount of any such contribution;

"(C) affiliated political committee or affiliated ballot initiative political committee which makes a transfer to the reporting committee during the reporting period;

"(D) person who makes a loan to the reporting committee during the reporting period, together with the identification of any endorser or guarantor of such loan, and the date and amount or value of such loan and the address and occupation (if an individual) of the person;

"(E) person who provides a rebate, refund, or other offset to operating expenditures to the reporting committee in an aggregate amount or value in excess of $200 within the calendar year, together with the date and amount of such receipt and the address and occupation (if an individual) of the person; and

"(F) person who provides any dividend, interest, or other receipt to the reporting committee in an aggregate value or amount in excess of $200 within the calendar year, together with the date and amount of any such receipt and the address and occupation (if an individual) of the person;

"(4) for the reporting period and the calendar year, the total amount of disbursements, and all disbursements in the following categories:

"(A) ballot initiative expenditures;

"(B) transfers to affiliated political committees or ballot initiative political committees;

"(C) ballot initiative contribution refunds and other offsets to ballot initiative contributions;

"(D) loans made by the reporting committee and the name of the person receiving the loan together with the date of the loan and the address and occupation (if an individual) of the person; and

"(E) independent expenditures; and

"(5) the total sum of all ballot initiative contributions to such ballot initiative political committee.".

SEC. 706. ENFORCEMENT AMENDMENT.

Section 309 of FECA (2 U.S.C. 437g) is amended by adding at the end the following new subsection:

"(e) The civil penalties of this Act shall apply to the organization, recordkeeping, and reporting requirements of a ballot initiative political committee under section 302A or 304B, insofar as such committee conducts activities solely for the purpose of influencing a ballot initiative and not for the purpose of influencing any election for Federal office.".

SEC. 707. PROHIBITION OF CONTRIBUTIONS IN THE NAME OF ANOTHER.

Section 320 of FECA (2 U.S.C. 441f) is amended to read as follows:

"PROHIBITION OF CONTRIBUTIONS IN THE NAME OF ANOTHER

"SEC. 320. No person shall make a contribution or ballot initiative contribution in the name of another person or knowingly permit his name to be used to effect such a contribution or ballot initiative contribution, and no person shall knowingly accept a contribution or ballot initiative contribution made by one person in the name of another person.".

SEC. 708. LIMITATION ON CONTRIBUTION OF CURRENCY.

Section 321 of FECA (2 U.S.C. 441g) is amended to read as follows:

"LIMITATION ON CONTRIBUTION OF CURRENCY

"SEC. 321. No person shall make contributions or ballot initiative contributions of currency of the United States or currency of any foreign country which in the aggregate, exceed $100, to or for the benefit of—

"(1) any candidate for nomination for election, or for election, to Federal office;

"(2) any political committee (other than a ballot initiative political committee) for the purpose of influencing an election for Federal office; or

"(3) any ballot initiative political committee for the purpose of influencing a ballot initiative.".

TITLE VIII—MISCELLANEOUS

SEC. 801. PROHIBITION OF LEADERSHIP COMMITTEES.

Section 302(e) of FECA (2 U.S.C. 432(e)) is amended—

(1) by amending paragraph (3) to read as follows:

"(3) No political committee that supports or has supported more than one candidate may be designated as an authorized committee, except that—

"(A) a candidate for the office of President nominated by a political party may designate the national committee of such political party as the candidate's principal campaign committee, but only if that national committee maintains separate books of account with respect to its functions as a principal campaign committee; and

"(B) a candidate may designate a political committee established solely for the purpose of joint fundraising by such candidates as an authorized committee."; and

(2) by adding at the end the following new paragraph:

"(6)(A) A candidate for Federal office or any individual holding Federal office may not establish, maintain, or control any political committee other than a principal campaign committee of the candidate, authorized committee, party committee, or other political committee designated in accordance with paragraph (3). A candidate for more than one Federal office may designate a separate principal campaign committee for each Federal office.

"(B) For one year after the effective date of this paragraph, any such political committee may continue to make contributions. At the end of that period such political committee shall disburse all funds by one or more of the following means: making contributions to an entity qualified under section 501(c)(3) of the Internal Revenue Code of 1986; making a contribution to the treasury of the United States; contributing to the national, State or local committees of a political party; or making contributions not to exceed $1,000 to candidates for elective office.".

SEC. 802. POLLING DATA CONTRIBUTED TO CANDIDATES.

Section 301(8) of FECA (2 U.S.C. 431(8)), as amended by section 314(b), is amended by inserting at the end the following new subparagraph:

"(D) A contribution of polling data to a candidate shall be valued at the fair market value of the data on the date the poll was completed, depreciated at a rate not more than 1 percent per day from such date to the date on which the contribution was made.".

SEC. 803. DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND.

Section 315(b) of FECA (2 U.S.C. 441a(b)) is amended by adding at the end the following new paragraph:

"(3)(A) The candidates of a political party for the offices of President and Vice President who are eligible under section 9003 of the Internal Revenue Code of 1986 to receive payments from the Secretary of the Treasury shall not receive such payments unless both of such candidates agree in writing—

"(i) that the candidate for the office of President will participate in at least 4 debates, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are eligible under that section; and

"(ii) that the candidate of the party for the office of Vice President will participate in at least 1 debate, sponsored by a nonpartisan or bipartisan organization, with all other candidates for that office who are eligible under that section.

"(B) If the Commission determines that either of the candidates of a political party failed to participate in a debate under subparagraph (A) and was responsible at least in part for such failure, the candidate of the party involved shall—

"(i) be ineligible to receive payments under section 9006 of the Internal Revenue Code of 1986; and

"(ii) pay to the Secretary of the Treasury an amount equal to the amount of the payments made to the candidate under that section.".

SEC. 804. PROHIBITION OF CERTAIN ELECTION-RELATED ACTIVITIES OF FOREIGN NATIONALS.

Section 319 of FECA (2 U.S.C. 441e) is amended by adding at the end the following new subsections:

"(c) A foreign national shall not directly or indirectly direct, control, influence or participate in any person's election-related activities, such as the making of contributions or expenditures in connection with elections for any local, State, or Federal office or the administration of a political committee.

"(d) A nonconnected political committee or the separate segregated fund established in accordance with section 316(b)(2)(C) or any other organization or committee involved in the making of contributions or expenditures in connection with elections for any Federal, State, or local office shall include the following statement on all printed materials produced for the purpose of soliciting contributions:

"'It is unlawful for a foreign national to make any contribution of money or other thing of value to a political committee.'.".

SEC. 805. AMENDMENT TO FECA SECTION 316.

Section 316(b) of FECA (2 U.S.C. 441b(b)) is amended—

(1) by inserting "(A)" at the beginning of paragraph (2) and redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively;

(2) at the beginning of the first sentence in subparagraph (A), by inserting the following: "Except as provided in subparagraph (B),"; and

(3) by adding at the end of paragraph (2) the following:

"(B) Expenditures by a corporation or labor organization for candidate appearances, candidate debates and voter guides directed to the general public shall be considered contributions unless—

"(i) in the case of a candidate appearance, the appearance takes place on corporate or labor organization premises or at a meeting or convention of the corporation or labor organization, and all candidates for election to that office are notified that they may make an appearance under the same or similar conditions;

"(ii) in the case of a candidate debate, the organization staging the debate is either an organization described in section 301 whose broadcasts or publications are supported by commercial advertising, subscriptions or sales to the public, including a noncommercial educational broadcaster, or a nonprofit organization exempt from Federal taxation under section 501(c)(3) or 501(c)(4) of the Internal Revenue Code of 1986 that does not endorse, support, oppose candidates or political parties; and

"(iii) in the case of a voter guide, the guide is prepared and distributed by a corporation or labor organization and consists of questions posed to at least two candidates for election to that office,

except that no communication made by a corporation or labor organization in connection with the candidate appearance, candidate debate or voter guide contains express advocacy, or that no candidate is favored through the structure or format of the candidate appearance, candidate debate or voter guide.".

SEC. 806. TELEPHONE VOTING BY PERSONS WITH DISABILITIES.

(a) STUDY OF SYSTEMS TO PERMIT PERSONS WITH DISABILITIES TO VOTE BY TELEPHONE.—

(1) IN GENERAL.—The Federal Election Commission shall conduct a study to determine the feasibility of developing a system or systems by which persons with disabilities may be permitted to vote by telephone.

(2) CONSULTATION.—The Federal Election Commission shall conduct the study described in paragraph (1) in consultation with State and local election officials, representatives of the telecommunications industry, representatives of persons with disabilities, and other concerned members of the public.

(3) CRITERIA.—The system or systems developed pursuant to paragraph (1) shall—

(A) propose a description of the kinds of disabilities that impose such difficulty in travel to polling places that a person with a disability who may desire to vote is discouraged from undertaking such travel;

(B) propose procedures to identify persons who are so disabled; and

(C) describe procedures and equipment that may be used to ensure that—

(i) only those persons who are entitled to use the system are permitted to use it;

(ii) the votes of persons who use the system are recorded accurately and remain secret;

(iii) the system minimizes the possibility of vote fraud; and

(iv) the system minimizes the financial costs that State and local governments would incur in establishing and operating the system.

(4) REQUESTS FOR PROPOSALS.—In developing a system described in paragraph (1), the Federal Election Commission may request proposals from private contractors for the design of procedures and equipment to be used in the system.

(5) PHYSICAL ACCESS.—Nothing in this section is intended to supersede or supplant efforts by State and local governments to make polling places physically accessible to persons with disabilities.

(6) DEADLINE.—The Federal Election Commission shall submit to Congress the study required by this section not later than 1 year after the date of enactment of this Act.

SEC. 807. PROHIBITION OF USE OF GOVERNMENT AIRCRAFT IN CONNECTION WITH ELECTIONS FOR FEDERAL OFFICE.

Title III of FECA (2 U.S.C. 431 et seq.), as amended by section 312(c) is amended by adding at the end the following new section:

"PROHIBITION OF USE OF GOVERNMENT AIRCRAFT IN CONNECTION WITH ELECTIONS FOR FEDERAL OFFICE

"SEC. 325. (a) No aircraft that is owned or operated by the Government (including any aircraft that is owned or operated by the Department of Defense) may be used in connection with an election for Federal office.

"(b)(1) Subsection (a) shall not apply to travel provided to the President or Vice President.

"(2) The portion of the cost of any travel provided to the President or Vice President that is allocable to activities in connection with an election for Federal office shall be paid by the authorized committee of the President. Such portion shall be paid within 10 days of the travel. For purposes of this section, travel which is in any part related to campaign activity, shall be treated as in connection with an election for Federal office, and the payment for such travel shall be sufficient to reflect that portion which is campaign-related.

"(3) The actual costs and payment for costs of any travel provided to the President and Vice President shall be disclosed in accordance with section 304.".

SEC. 808. SENSE OF THE CONGRESS.

The Congress should consider legislation that would provide for an amendment to the Constitution to set reasonable limits on campaign expenditures in Federal elections.

TITLE IX—EFFECTIVE DATES; AUTHORIZATIONS

SEC. 901. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by, and the provisions of, this Act shall take effect on the date of the enactment of this Act but shall not apply with respect to activities in connection with any election occurring before January 1, 1993.

SEC. 902. BUDGET NEUTRALITY.

(a) DELAYED EFFECTIVENESS.—The provisions of this Act (other than this section) shall not be effective until the estimated costs under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 have been offset by the enactment of subsequent legislation effectuating this Act.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that subsequent legislation effectuating this Act shall not provide for general revenue increases, reduce expenditures for any existing Federal program, or increase the Federal budget deficit.

SEC. 903. SEVERABILITY.

Except as provided in sections 101(c) and 121(b), if any provision of this Act (including any amendment made by this Act), or the application of any such provision to any person or circumstance, is held invalid, the validity of any other provision of this Act, or the application of such provision to other persons and circumstances, shall not be affected thereby.

SEC. 904. EXPEDITED REVIEW OF CONSTITUTIONAL ISSUES.

(a) DIRECT APPEAL TO SUPREME COURT.—An appeal may be taken directly to the Supreme Court of the United States from any interlocutory order or final judgment, decree, or order issued by any court ruling on the constitutionality of any provision of this Act or amendment made by this Act.

(b) ACCEPTANCE AND EXPEDITION.—The Supreme Court shall, if it has not previously ruled on the question addressed in the ruling below, accept jurisdiction over, advance on the docket, and expedite the appeal to the greatest extent possible.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill, insert the following: "An Act to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and benefits for congressional election campaigns, and for other purposes.".

And the House agree to the same.

CHARLIE ROSE,
SAM GEJDENSON,
DICK GEPHARDT,
AL SWIFT,
LEON E. PANETTA,
MIKE SYNAR,
GERALD D. KLECZKA,

For consideration of sections 103 and 202 of the Senate bill, section 802 of the House amendment, and modifications committed to conference:

EDWARD J. MARKEY

For consideration of sections 104, 404, 409, and 411 of the Senate bill, section 103 of the House amendment, and modifications committed to conference:

WILLIAM L. CLAY,
FRANK MCCLOSKEY,
Managers on the Part of the House.

WENDELL H. FORD,
DAVID L. BOREN,
GEORGE MITCHELL,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3, the "Senate Election Ethics Act of 1991") to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits for Senate election campaigns, and for other purposes, submit the following joint statement to the House and to the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments (H.R. 3750, the "U.S. House of Representatives Campaign Spending Limit and Election Reform Act of 1991") struck out all of the Senate bill after the enacting clause and inserted a substitute text, and the Senate disagreed to the House amendments.

The Committee of Conference recommends that the Senate recede from its disagreement to the amendment of the House to the text of the bill, with an amendment which is a substitute for both the text of the Senate bill and the House amendment to the text of the Senate bill.

The differences between the text of the Senate bill, the House amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

SHORT TITLE

The Senate bill (S. 3), the House Amendment (H.R. 3750), and the conference agreement provide that this legislation may be cited as the "Congressional Campaign Spending Limit and Election Reform Act of 1992".

TITLE I—CONTROL OF CONGRESSIONAL CAMPAIGN SPENDING

Subtitle A—Senate Election Campaign Spending Limits and Benefits

SECTION 101. SENATE SPENDING LIMITS AND PUBLIC BENEFITS

Senate bill

The Senate bill amended the Federal Election Campaign Act of 1971 (hereinafter in this statement referred to as the "Act") to provide for a voluntary system of spending limits and benefits. The formula adopted is a base amount of $400,000: plus 30 cents times the voting age population of the State up to a voting age population of 4 million, plus 25 cents times the voting age population in excess of 4 million, but not less than $950,000, or more than $5.5 million. Higher spending limits are permitted in a State with no more than one VHF television station licensed to operate in that State. The formula for the spending limit in such a State is set at $400,000: plus 80 cents times the voting age population up to 4 million, and 70 cents times the voting age population over that figure, but not less than $950,000 or more than $5.5 million.

As a condition to participate in the system, Senate candidates must agree to abide by the expenditure limits in primary and runoff elections.

Because the activities previously associated with Senate campaigns would probably not be curtailed, but merely shifted to the primary election period, it is necessary to extend spending limits to the primary period. Thus, the Senate bill provides for a primary election limit of 67 percent of the general election spending limit (up to a maximum of $2.75 million) and a runoff limit of 20 percent of the general election spending limit. By defining the primary election period to begin the day after the last general election for the seat in question, the bill effectively limits Senate campaign spending throughout a six year Senate election cycle.

The Senate bill provides for a compliance fund equal to the lesser of 15 percent or $300,000 of the candidate's general election limit in order to deal with the likelihood of additional legal and accounting services under this system. All funds which are deposited into this account are subject to the limitations and prohibitions of the FECA. This provision permits expenditures for such purpose both during and after a general election without such expenditures counting against either such general election spending limit or the next primary election spending limit. The use of the fund is solely for the purpose of paying for legal and accounting services incurred in relation to compliance with the Act and the preparation of compliance documents, or expenditures for the extraordinary costs of legal and accounting services incurred in connection with the candidate's activities as a federal office-holder.

The compliance fund is not intended as a reserve or revolving fund; therefore, once funds have been transferred into the account, they may not be transferred back to the campaign fund or used for any purpose other than compliance. A candidate will be permitted to petition the Commission for permission to raise and spend an amount in excess of that fund. Before authorizing any additional funds for compliance, the Commission should first be satisfied that the candidate did not use any portion of the compliance fund for any purpose other than compliance.

The Senate bill limits a participating candidate's personal spending to $25,000. Members of a candidate's immediate family would be subject to existing contribution limitations, as this provision would not impose any additional or new limits on such family members. This limit would apply to what a candidate may spend or loan to the campaign from personal funds, including funds of the candidate's immediate family, in the election cycle.

Eligibility for all candidates, whether a major party nominee, a minor party nominee, or an independent candidate, is based on the candidate raising a qualifying threshold of private contributions equal to 10 percent of the general election spending limit for the State. All of such funds must be contributed directly to the candidate by individuals (not through any intermediary) in amounts aggregating up to $250 and must be received after January 1 of the year preceding the election. To further assure that such candidates have a base of support from within their State, at least 50 percent of the threshold amount must be raised from contributors from within the candidate's State.

To be eligible to receive benefits, a candidate must be opposed in the general election and must certify that he or she has raised the qualifying threshold, and has not exceeded the primary and, where applicable, the runoff spending limits. Also, the candidate must agree to certain administrative requirements, not to exceed the general election spending limits, and not to accept contributions in violation of the Act.

Like the Presidential financing system, the Federal Election Commission would certify the eligibility of a candidate based on the candidate's submissions to that agency and would be charged with the general administration of the system. Unlike the Presidential system that requires that all candidates be audited, the Commission would be required to audit only 10 percent of the eligible Senate candidates on a random basis and, in addition, any other candidate for cause.

Eligible candidates are entitled to five benefits: communication vouchers, lower broadcast media rates, reduced postal rates; independent expenditure payments; and contingent financing. These are intended to serve both as incentives to participation by candidates and as cost reduction devices for ever more expensive campaigns.

House amendment

No similar provision.

Conference substitute

The conference agreement adopts the Senate bill with respect to the Senate, with the following modifications:

1. The conference agreement limits the provision of the Senate bill which permitted the compliance fund to make expenditures for the extraordinary costs of legal or accounting services incurred in connection with the candidate's activities as a Federal office-holder.

2. The conference agreement deletes the provision of the Senate bill which would have permitted an increase of 25 percent of the spending limits for candidates based on small contributions of up to $100 received from individuals who reside within the State of a Senate candidate. In an effort to establish some uniform rules with the House bill (which had no similar provision), the conferees agreed to eliminate this provision.

3. The conference agreement modifies the use of personal funds to an amount equal to the lesser of ten percent of the expenditure limit, or $250,000. This conforms to the House provision which limits the use of personal funds of an eligible House candidate to ten percent of the expenditure limit.

4. The conference agreement clarifies the audit authority of the Commission to provide that when an eligible candidate is selected for an audit, his or her opponent in the same election shall also be audited.

5. The conference agreement deletes the provision which would require that broadcast time purchased with vouchers must be for broadcasts of one to five minutes in length.

6. The conference agreement revises the reduced postage rates section of both the House and Senate bills to provide one standard for all eligible candidates. The Senate bill permitted eligible candidates to make first-class mailings at one-fourth the rate in effect and third-class mailings at two cents less than the reduced rate for first class mail. The total spending on postage at these reduced rates could not exceed five percent of the general election expenditure limit. The conference agreement now provides that eligible candidates can mail up to one piece of mail per voting age population of the State (in the case of an eligible Senate candidate) or congressional district (in the case of an eligible House candidate) at the lowest third-class non-profit rate.

7. The conference agreement modifies the Senate's contingent benefits to provide that an eligible Senate candidate would receive a grant equal to one-third the expenditure limit once a non-complying opponent exceeds the limit. When a non-complying opponent exceeds the limit by one-third, an eligible candidate would be entitled to another grant equal to one-third of the expenditure limit. Once a non-complying candidate exceeds the limit by two-thirds, an eligible candidate would receive a third and final grant equal to one-third the expenditure limit. In addition, an eligible candidate whose opponent did not participate could raise contributions equal to twice the expenditure limit, but such funds could not be spent until the opponent exceeds the limits by 100 percent. Thus, the conference agreement would cap all spending at 300 percent of the general election limit; where the Senate bill had removed all limits.

These changes were made to conform the Senate bill with the intent of the conferees to provide an alternative election finance system for candidates who choose to run for Senate election without spending limits. Contingent benefits are provided to eligible Senate candidates to reduce the rigors of fundraising, and not to create an advantage over opposing candidates choosing to stay outside the system. Because campaign funds can be spent quite rapidly, it is necessary to make resources quickly available to an eligible candidate. Otherwise, prudent candidates would be reluctant to voluntarily participate in the alternative spending limit system.

The conference agreement reduces the amount of the initial grant in half to more closely conform the size of the grant to the amount by which the spending limit is exceeded. While the grants are still provided in one-third increments, the conferees believe this is a proper balance between the objective of maintaining a competitive election and the desire to avoid the administrative burdens attendant to smaller, more frequent grants.

The conference agreement provides grants up to 100 percent of the general election limit at which point the eligible candidate may spend campaign contributions up to 100 percent of the general election limit. The conference agreement imposes a limit on total contributions and expenditures by the eligible candidate in order to preserve the overall objective to establish an alternative campaign finance system in order to reduce the deleterious influence of large contributions on the election process and the rigors of fundraising for eligible Senate candidates.

8. The conference agreement requires the closed captioning of television and cablecasts of eligible Senate candidate campaign advertisements. This adopts a similar provision contained in the House amendment. With this modification to the Senate bill, a uniform standard is adopted for both chambers.

9. The conference agreement eliminates all provisions referring to the Secretary of the Treasury and the Senate Election Campaign Fund. The conferees recognize that as a Senate bill, any bill relating to the public financing of congressional campaigns must originate in the House. Thus, the conference agreement provides that no section of the bill will be effective until a subsequent legislative vehicle provides for a funding mechanism for the benefits of the bill.

10. The conference agreement modifies the civil penalties provisions of the bill with regard to expenditures in excess of the limitations. The revised civil penalties are based on a low, medium and high scale of up to 2.5 percent, 2.5 percent but less than 5 percent, and 5 percent or greater, respectively. Civil penalty amounts are likewise based on this scale. This provision will apply in like manner to the House.

11. The conference agreement eliminates the criminal penalties provisions, at the request of the House, which had no similar provision. In its place, the agreement establishes joint and separate civil liability for the candidate and the candidate's authorized committees. This liability provision applies to both participating Senate and House candidates.

SECTION 102. RESTRICTIONS ON ACTIVITIES OF POLITICAL ACTION AND CANDIDATE COMMITTEES IN FEDERAL ELECTIONS

Senate bill

The Senate bill bans activities of political action committees by prohibiting such committees from making contributions or expenditures to influence a federal election. In the event this ban on PAC activities is ruled unconstitutional, the Senate bill includes a fall-back provision reducing PAC contribution limits from $5,000 to $1,000 and imposing an aggregate limit on the amount of the total amount of PAC contributions a Senate candidate may receive. The limit would be 20 percent of the election cycle limit, but not less than $375,000 in the smallest states, nor more than $825,000 in the largest states.

House amendment

The House bill limits political action committee contributions that may be received by House campaigns to $200,000 per election. For those who agree to voluntarily agree to spending limits, this amount is equal to one-third of the overall spending limit.

Conference substitute

The conference agreement follows the House and Senate bills. The House provisions limiting political action committee contributions to one-third of the election spending limit are preserved unchanged. The provisions of the Senate bill establishing rules for political action committee in the event a PAC ban is found unconstitutional are adopted except that the per election limit on PAC contributions to Senate candidates is established at $2,500.

The conferees recognize the role of political action committees as a legitimate exercise of collective participation of individuals of like minds in the electoral process. The conferees recognize that citizens may pool their resources to participate in the electoral process. To the extent this participation is balanced with disinterested sources of campaign funds, the conferees support the role of political action committees in the electoral process.

Nevertheless, the conferees agree that Congress must confront the legitimate public concern that political action committees can have a negative, even corrupting, impact on the election campaign process when they become too large a source of any candidate's campaign funds. Moreover, when these sources of campaign funds flow overwhelmingly to incumbents, the public perception is that Congress is too beholden to special interests.

The conferees recognize that simply having limits on the amount of money that individual PACs can give to a candidate does not of itself control the flow of special interest funds to campaigns. Individual PAC contribution limits alone result in a number of PACs with the same interest playing too large a role in funding a congressional campaign. Therefore, the conferees believe that in addition to individual PAC contribution limits there should be aggregate limits on PAC receipts by a candidate's campaign committee. These aggregate limits will have the effect of minimizing the candidate's reliance on special interest funds and reducing the potential for undue influence and corruption. The conferees believe that figures chosen for aggregate PAC limits in the House and Senate represent a reasonable effort to curtail aggregate influence of PAC contributions.

The conferees seek to strike a balance to reduce the influence of special interests in the election process while maintaining the legitimate exercise of collective action through political action committees. The conferees believe this goal is met by imposing aggregate limits on PAC receipts as well as ceilings on individual PAC contributions.

SECTION 103. REPORTING REQUIREMENTS

Senate bill

Candidates who agree to abide by the spending limits and become eligible to receive benefits must file a certification with the Federal Election Commission. First, the candidate must file a declaration with the FEC on the date of filing for the primary election that the candidate and the candidate's authorized committees will meet the limitations on spending in the primary, runoff, and general elections; will meet the limitation on expenditures from personal funds, and will not accept contributions for the primary and runoff elections that exceed the limits. Within 7 days of qualifying for the general election ballot or winning a primary or runoff election held after September 1 (whichever is earlier), the candidate must file a certification, under penalty of perjury, which states that the candidate has not exceeded the primary expenditure and contribution limits, the contribution threshold has been met, at least one other candidate has qualified for the general election, the candidate and the authorized committee will not exceed the contribution and expenditure limits for the general election.

A general election candidate who does not intend to become eligible for public benefits must file a declaration with the Commission stating whether the candidate intends to make expenditures which will exceed the general election spending limit. Additional reports are required of such a candidate after he or she raises or spends more than 75 per-

cent of the spending limit. An additional report is required each time a non-participating candidate spends an additional 10 percent of the limit until 133⅓ percent of the limit is reached.

The system of public benefits provides a compensating payment to eligible candidates for independent expenditures when such expenditures exceed an aggregate of $10,000. So that eligible candidates would receive such funding in an efficient manner, the bill requires that when an individual or group makes or obligates to make an independent expenditure for a Senate election in excess of $10,000, they are required to file a report with the Commission within 24 hours and to file additional reports within 24 hours each time an additional expenditure exceeds an aggregate of $10,000. These reports must be filed under penalty of perjury with the Commission and the appropriate Secretary of State and identify the affected candidate.

Because the bill restricts the spending by a candidate of personal funds, the Senate bill requires that any candidate who expends more than $25,000 from personal or immediate family funds or by personal loan incurred by the candidate or the candidate's immediate family, must file a report with the Commission within 24 hours.

The bill requires that within seven days of becoming a Senate candidate, such candidate must file a statement with the Commission setting forth the amount and nature of any expenditures made before becoming a candidate which could be treated as a Senate campaign expenditure. The Commission is charged to review such a statement and determine whether such expenditures were made in connection with the Senatorial campaign and are thus subject to the applicable spending limit.

House amendment

No similar provision.

Conference substitute

The conference substitute follows the Senate bill with the modification for the filing of reports by non-participating candidates. The modified scheme of contingent benefits for a non-participating candidate requires a subsequent change in the reporting requirements. Non-participating candidates are required to file a report when they exceed the spending limits, and for each time that such a non-participating candidate exceeds the limits by 133⅓ and 166⅔ up to 200 percent of the limit.

SECTION 104. DISCLOSURE BY NONELIGIBLE CANDIDATES

Senate bill

Requires that any broadcast or other communication paid for or authorized by a non-eligible Senate candidate contain a disclaimer that such candidate has not agreed to abide by the spending limits.

House amendment

No similar provision.

Conference substitute

Adopts the Senate provision.

SECTION 105. EXTENSION OF TIME PERIOD WHEN FRANKED MASS MAILINGS ARE PROHIBITED

Senate bill

Prohibits a Member of the Senate who is a candidate for re-election from making a mass mailing under the frank during the calendar year of any primary or general election.

House amendment

No similar provision.

Conference substitute

Adopts the Senate provision.

Subtitle B—Expenditure Limitations, Contribution Limitations, and Matching Funds for Eligible House of Representatives Candidates

SECTION 121. NEW TITLE OF THE FEDERAL ELECTION CAMPAIGN ACT OF 1971

Senate bill

No similar provision.

House amendment

The House amendment provides a voluntary spending limit for House candidates at $600,000 for the election cycle, no more than $500,000 of which can be spent during the general election period. The "general election period" is defined in the bill to begin the day after the primary and end the last day of the election year. Overall election cycle expenditures are subject to the $600,000 limit. A limit of $500,000 is also established for special elections.

Two specific increases are allowed to be made in the spending limit: (1) an additional $100,000 may be spent in the general election period in the event of a runoff election; and (2) an extra $150,000 may be spent in the general election period, if the candidate wins a contested primary with a margin of 10 percentage points or less.

In return for committing to abide by the applicable spending limits, certain benefits are made available to candidates. Enrollment is officially made in a "Statement of Participation" filed by the candidate with the Federal Election Commission and the Secretary of State in which state the candidate resides. This statement, in which the candidate irrevocably pledges to abide by the specified limits on spending and contributions (along with various compliance requirements) as a condition for receiving benefits, must be filed by January 31 of the federal election year or along with the official FEC statement of candidacy, whichever occurs later.

The House bill establishes a system of limits on the sources of contributions an eligible candidate may accept. The bill establishes limits of no more than 1/3 of receipts comes from PACs, and no more than 1/3 comes from large individual donations (defined as contributions from $200 to $1,000 per election). The remaining 1/3 may come from matching funds or small individual donations. Some of these targets are mandatory, whereas others are contingent upon a candidate's participation in the spending limit system. As with the expenditure limit, money raised for legal and accounting compliance costs and for paying federal and state taxes are exempt from the receipts limit (as well as from the PAC and large donor receipts limits discussed below). And just as the expenditure limit may be exceeded under specified circumstances, so too may the limit on contributions received, in parallel fashion. Candidates with runoff elections may raise an additional $100,000, with no more than half coming from PACs and no more than half from large donors.

Candidates who win closely contested primaries may raise an extra $150,000, with up to 1/3 from PACs, 1/3 from large donors, and 1/3 in additional matching funds.

Provision is also made for eligible candidates who transfer surpluses from one election cycle to the next. Up to $600,000 or the maximum cycle amount may be transferred, but that money is deducted from the $600,000 fundraising limit in the next cycle for purposes of determining the proportionate amounts which may then be raised from various sources. Once the transferred amount is subtracted, no more than 1/3 of the remaining figure may come from PACs, no more than 1/3 may come from large donors, and no more than 1/3 may come from matching funds.

Also, the penalties for raising money in excess of the contribution limits follow the same pattern as those for exceeding the expenditure limits, except that any amount raised that is less than 5% over the limit shall simply be refunded to contributors. This is to account for contributions which may be received in the closing weeks of a campaign, when the candidate is close to the permissible levels, but has not yet reached them. Because fundraising is an on-going process, and because contributions may be received unsolicited, the campaign is permitted a small excess to refund, rather than be subject to a civil penalty.

Matching funds will be available on a voluntary basis, to participating candidates, up to $200,000, or 1/3 of the overall campaign spending limit. The first payment would match the $60,000 eligibility threshold; thereafter, the first $200 of contributions from individuals will be matched, as applied for by candidates along with copies of checks or other negotiable instruments (which identify the contributor).

The $200,000 cap on matching funds received by a candidate (also indexed for inflation) may be increased under three circumstances: (1) by up to $50,000, if the general election spending limit was raised to offset a closely contested primary; (2) by an unspecified amount, if a candidate's non-participating opponent raises or spends more than $250,000 in the election cycle; and (3) by an unspecified amount, to offset at least $10,000 in independent expenditures made against the candidate or for his or her opponent.

Another benefit available to eligible candidates takes the form of reduced postal rates. Participating candidates in the general election will be eligible for the same third-class mailing rate that national political parties now receive. The number of pieces of mail will be limited to three times the voting age population (VAP) of that congressional district, presumably translating to three mailings to every voter.

The House bill provides that no eligible House candidate may receive amounts from the Make Democracy Work Fund unless such candidate certifies that any television commercial prepared or distributed by the candidate will be prepared in a manner containing or permitting close captioning.

Conference substitute

The conference agreement adopts the provisions of the House amendment to apply to the House, with the following changes:

1. In the Conference agreement, the House recedes to the Senate provision whereby eligible candidates with a runoff election may spend an additional 20% of the general election limit.

2. The Conference agreement omits the provision which would remove the spending limit for eligible House candidates if independent expenditures aggregating more than $60,000 are made in favor of another candidate, or against the eligible candidate.

3. Requires a non-participating candidate who makes expenditures in excess of 80 percent of the general election limit to report to the Federal Election Commission within 48 hours when such a threshold has been met. Moreover, a participating candidate may only make expenditures in excess of the $200,000 matching fund limit once the non-participating opponent has made expenditures in excess of 80% general election limit.

4. The Conference agreement changes the definition of low, medium, and large

amounts of excess expenditures and contributions to be: less than 2.5%, between 2.5% and 5%, and over 5% respectively, and requires that such penalties shall be paid to the Commission. In addition, a corresponding modification is made with respect to the civil penalties section. This modification provides for a uniform schedule of civil penalties for both the Senate and House candidates who exceed the specified limits.

5. The House recedes to the Senate approach whereby indexing of expenditure and contribution limits would occur annually.

6. The Conference agreement provides that an eligible candidate may accept contributions for runoff elections equal to 20% of the general election limit, subject to further limitations of the House provision.

7. The Conference agreement limits the personal spending of participating House candidates to ten percent of the general election limit. This establishes a similar provision in the conference agreement as it relates to the Senate participating candidates.

8. The Conference agreement establishes a ceiling of 20% of the election cycle limit on the balance of the legal and accounting compliance account and further specifies that no benefits may be transferred to a separate legal and accounting fund. This account is permanently segregated and may not be transferred into the candidate's campaign account.

9. The Conference agreement omits the provision of the House bill which removes the aggregate contribution limits for eligible candidates if independent expenditures aggregating more than $60,000 are made in favor of another candidate or against the eligible candidate.

10. The Conference agreement increases the small individual contribution amount to $250 or less.

11. The Conference agreement omits the provision establishing the Make Democracy Work Fund. This modification is consistent with the intent of the conferees to eliminate all provisions relating to the funding mechanism of the bill.

SECTION 122. LIMITATIONS ON POLITICAL COMMITTEE AND LARGE DONOR CONTRIBUTIONS THAT MAY BE ACCEPTED BY HOUSE OF REPRESENTATIVES CANDIDATES

Senate bill

No similar provision.

House amendment

The House amendment limits eligible candidates for the House of Representatives to receiving contributions from political action committees to $200,000. Moreover, this section limits the total contributions such a candidate may receive in individual contributions in excess of $200 to $200,000. In the case of an eligible candidate for the House who wins the primary by 10 percentage points or less, that candidate may, in the general election, accept contributions of no more than $150,000 (with $50,000 PAC limit and $50,000 large donor contributions).

Conference substitute

Adopts the House provision, with modification that the large donor threshold is $250.

SECTION 123. EXCESS FUNDS OF INCUMBENTS WHO ARE CANDIDATES FOR THE HOUSE OF REPRESENTATIVES

Senate bill

No similar provision.

House amendment

Provides that, for the initial election cycle for which the new limitations will apply, any incumbent of the House of Representatives who is a candidate for reelection, must deposit any campaign funds in excess of $600,000 into a separate account by the date he or she files a statement of participation under new section 502. This separate account must comply with the reporting requirements of the Federal Election Campaign Act of 1971. The amounts so deposited are available for any lawful use, other than for a campaign for the office of Representative.

Conference substitute

Adopts the House provision.

Subtitle C—General Provisions

SECTION 131. BROADCAST RATES AND PREEMPTION

Senate bill

Requires lowest unit rate to be available to all candidates in last 30 days before the primary and the last 45 days before the general election. This section also prohibits broadcasters from preempting advertisements sold to political candidates at lowest unit rate, unless beyond the broadcasters control.

House amendment

Identical provision.

Conference substitute

The Conference Agreement adopts the House provision as modified to provide that participating Senate candidates are permitted to purchase time at 50 percent of the lowest unit rate for the 45 days before the general election.

Section 132. Extension of reduced third-class mailing rates to eligible House of Representatives and Senate candidates

Senate bill

Provides that eligible Senate candidates can mail first class mail at one-fourth the normal rate, and third-class mail at 2 cents less than the reduced first-class rate, with the candidate's share up to 5 percent of the general election limit.

House amendment

Provides that eligible House candidates can mail up to 3 pieces per eligible voter in district at same reduced third-class rate as national party committees.

Conference substitute

Eligible Senate and House candidates will be permitted to mail up to one piece per eligible voter (voting age population) at lowest third-class non-profit rate. This rate is available to eligible candidates during the general election period only.

SECTION 133. REPORTING REQUIREMENTS FOR CERTAIN INDEPENDENT EXPENDITURES

Senate bill

Section 304A(b) of the Senate bill requires persons, whether alone or in cooperation with others, who make or obligate to make independent expenditures for Senate elections in excess of $10,000, to report to the Secretary of Senate within 24 hours, and to file additional reports within 24 hours of each time the additional aggregate in such expenditures exceeds $10,000. Each report must identify the affected candidate. Within 24 hours of receiving a report of such independent expenditures, the Commission is required to notify each eligible candidate of independent expenditures in excess of $10,000 made against them of in favor of their opponent. The Commission is authorized to make its own findings regarding independent expenditures and is required to give the affected candidates notice of its findings.

House amendment

Section 402 of the House amendment requires any person who makes independent expenditures aggregating $5,000 to report to the Commission such independent expenditure within 48 hours after it is made and to file additional reports within 48 hours of each time an additional $5,000 in independent expenditures are made with respect to the same election. The term "made" means any action taken to incur an obligation for payment. Each report must indicate whether the expenditure is in support of or opposition to the candidate involved. Within 48 hours of receiving a report of such independent expenditures, the Commission is required to transmit a copy of such report to the candidate involved.

The House amendment also requires any person intending to make independent expenditures in the 20 days before an election to file a statement on the 20th day before the election. The statement must identify the candidate involved. Within 48 hours after receipt, the Commission must transmit a copy of the report to the candidate involved.

Conference substitute

The Conference agreement is the same as the House amendment, with the following modifications:

1. The threshold for filing the aggregate independent expenditure reports during the election cycle up to 20 days before an election is $10,000, as contained in the Senate bill. The pre-election report of independent expenditures filed on the 20th day before an election is still triggered at a $5,000 threshold.

2. The reports required by these sections shall be filed with the Secretary of Senate, Clerk of the House and the appropriate Secretary of State, depending upon the candidate involved. It is the conferees understanding that the Secretary of Senate and the Clerk of the House, operating under current resource levels, are sufficiently able to transmit copies of all reports to the Commission in a period of two to four hours. This will enable the Commission to meet its transmission requirements.

3. As contained in the Senate bill, the Commission is authorized to make its own findings regarding independent expenditures and is required to give the affected candidate notice of its findings.

SECTION 134. CAMPAIGN ADVERTISING

Senate bill

Requires candidates to clearly state the he or she approved any message, through a personal appearance for television advertisements, an audio statement for radio advertising, or a written statement for print advertisements. This disclaimer must also state that the advertisement was paid for and authorized by the candidate.

House amendment

Requires a clear statement of responsibility in advertisements with: a clearly readable type and color contrasts for print advertisements; clearly readable type, color contrasts, the candidate's image, and for a duration of at least 4 seconds, for television advertisements; and a clearly spoken message by the candidate for both television and radio advertisements.

Conference substitute

Adopts the House amendment.

SECTION 135. DEFINITIONS

Senate bill

The Senate bill defines the terms "eligible candidate," "Senate Election Campaign Fund," "Fund," "general election," "general election period," "immediate family," "major party," "primary election," "pri-

mary election period," "runoff election," "runoff election period," "voting age population," and "expenditure" and incorporates by reference all other definitions in Section 301 of the Act.

House amendment

The House bill defines the terms "eligible House of Representatives candidate," "general election period," and "election cycle."

Conference substitute

The conference agreement adopts the Senate bill with the following modifications:

1. The provisions of the Senate bill defining the Senate Election Campaign Fund are deleted, consistent with the conferees intent to eliminate all provisions relating to the funding mechanism of the bill.

2. Adopts appropriate definitions as they relate to the House system.

3. Section 301(13) of the FECA (2 U.S.C. 431(13)) is amended by striking "mailing address" and inserting "permanent mailing address." The conferees believe that the reporting requirement of a contributor's address should be revised in the interest of better disclosure of relevant information on reports. Experience since the 1980 amendments that permitted the reporting of a contributor's mailing address has shown that the use of permanent mailing address more accurately identifies an individual. It is the intent of the conferees that the "permanent mailing address" is the permanent residence of the individual.

TITLE II—INDEPENDENT EXPENDITURES

SECTION 201. CLARIFICATION OF DEFINITIONS RELATING TO INDEPENDENT EXPENDITURES

Senate bill

Section 201(a) of the Senate bill adds the term "cooperative expenditure" to 2 U.S.C. 431(8) and states that an independent expenditure cannot include a cooperative expenditure, the latter being treated as a contribution from the person making the expenditure to the candidate on whose behalf it was made and as an expenditure by the candidate for whose benefit it was made.

Section 201(b) defines "cooperative expenditure" to specify certain relationships and activities between candidates and committees or other persons that constitute coordination, consultation or concerted activity between the parties and which do not constitute a relationship of sufficient independence to permit unlimited spending for or against a candidate.

House amendment

Section 401(a) of the House amendment amends the definition of "independent expenditure" contained at 2 U.S.C. 431(17) to include communications which contain express advocacy and are made without the participation or cooperation of a candidate. The definition excludes expenditures by political parties, political committees established, maintained or controlled by persons or organizations required to register as lobbyists or foreign agents, or persons who communicate or receive information regarding activities that have a purpose of influencing the candidate's election, from being considered independent expenditures.

Section 401(a) of the House amendment also adds the definition of "express advocacy" to 2 U.S.C. 431 to mean a communication that, when taken as a whole, is an expression of support for or opposition to a specific candidate, a specific group of candidates, or candidates of a particular political party, or a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity.

Conference substitute

The Conference agreement is the same as the House amendment, with the addition of the provisions of the Senate bill that set forth certain relationships and activities that result in expenditures which may not be considered independent. Consequently, the Conference agreement does not create a new class of expenditures, i.e., cooperative expenditures, but, rather, includes among the prohibitions contained in the House amendment, a number of specific types of relationships and activities which would abrogate the independence of an individual or organization.

The Conferees also agreed as to the importance of clarifying what is an independent expenditure by defining express advocacy. Among the problems recognized by the Conferees are communications which are candidate specific, but which lack specific words of exhortation, such as "vote for" or "vote against". The definition contained in the Conference agreement is intended to adopt the standard set forth in *FEC v. Furgatch*, 807 F.2d 857 (9th Cir., 1987) that no specific word is required for express advocacy, but, rather, a clear and unambiguous suggestion to take action is sufficient. In addition, the communication should be "taken as a whole," that is, reference, though limited, may be given to external events, such as the timing and context of the communication, as well as its content, in determining whether it contains express advocacy.

TITLE III—EXPENDITURES

Subtitle A—Personal Loans; Credit

SECTION 301. PERSONAL CONTRIBUTIONS AND LOANS

Senate bill

Section 211 amends 2 U.S.C. 441a to prohibit contributions received after the general election from being used to repay loans from a candidate or immediate family member. No contribution may be returned to a candidate or immediate family member except as part of a pro rata distribution of excess funds to all contributors.

House amendment

No similar provision.

Conference substitute

Adopts Senate provision.

SECTION 302. EXTENSIONS OF CREDIT

Senate bill

The Senate bill amended the Act to count as a contribution any extension of credit of more than $1,000 for more than 60 days to Senate candidates by vendors of advertising and mass mailing services. This was intended to put an end to the practice of large vendor debts which remain unpaid for long periods of time and which are thus construed to have been contributions (in amounts which exceed the Act's limits).

House amendment

No similar provision.

Conference substitute

Adopts the Senate provision modified to apply to both House and Senate candidates.

Subtitle B—Provisions Relating to Soft Money of Political Parties

Senate bill

The Senate bill includes several provisions to limit the use of nonfederal funds that affect federal elections. Political party committees would be prohibited from using soft money for any activities that affect a federal election, including get-out-the-vote activities, voter registration, and generic and mixed election activities that are during a federal election period. In addition, state and local party committee spending on mixed Federal-State activities would be subject to overall limits of 30 cents per voter.

State party contribution limits would be increased to the amount permitted to national parties. Federal office holders and candidates would be prohibited from soliciting contributions in excess of the federal limits and from sources not permitted under federal law. The exemptions for contributions and expenditures in current law that permit unlimited State party spending for "volunteer activities" that affect a federal election and for get-out-the-vote and voter registration for Presidential elections would be repealed. These exemptions would be replaced by a general four cents per voter coordinated expenditure allowance for Presidential elections. (This is indexed for inflation back to 1974 and is approximately 10 cents per voter in 1992 dollars). Slate cards and sample ballots would continue to be treated as exempt activities except to the extent of the cost of mass mailing such listings.

House amendment

The House bill codifies existing rules established by the Federal Election Commission that require an allocation between federal and nonfederal accounts for spending that affects both federal and nonfederal elections. This includes spending on slate cards, sample ballots, voter registration, get-out-the-vote, fundraising and other generic and mixed activities which affect both federal and nonfederal elections. The bill establishes methods for allocating such costs depending on whether the national or state and local committee makes the expenditure and depending on what type of expenditure is made.

Conference substitute

The conference agreement adopts the Senate bill with certain modifications and clarifications regarding the responsibility and the role of state party committees and nonfederal candidates.

The conference agreement fully reflects the Senate intention to deal with what is perhaps the most serious abuse of the present system — the process of raising large sums of money not regulated under federal law to affect federal elections. This use of so-called "soft money" has seriously undermined existing anti-corruption laws and strained public confidence in the fairness of the electoral process and the integrity of government.

The soft money provisions of the conference agreement are intended to end the current practice of using large sums of nonfederal money to evade the federal contribution limits and prohibitions in order to affect federal elections. These provisions are designed to prohibit the use of soft money for activities which may, in whole or in part, affect a federal election. Moreover, the conference agreement requires that expenditures on these activities derive solely from sources that are permitted under federal law. This is the only way to ensure that the integrity of federal contribution limits and prohibitions is protected.

To this end, the conference report requires that all money solicited, contributed or spent with respect to an activity which in whole or in part is in connection with a federal election meets the limitations, prohibitions, and reporting requirements of the Act.

In adopting final conference language, it is the intention of the conferees to ensure that only contributions subject to the limitations

and prohibitions of the Act may be used by state parties to conduct activities that affect federal elections—such as any get-out-the-vote drive during a federal election period, or generic or mixed activities which affect federal elections. All such activities must be, and have been, included in order to ensure that the soft money ban is effective. If, for example, a get-out-the-vote drive by a state party committee were conducted in the name of a gubernatorial candidate at a time when other, federal candidates were also on the ballot and this was not covered, the entire system of soft money in support of federal candidates would simply flow through this channel.

The state party activities which are exempt from the Act, as amended by the conference agreement, may not be used to evade federal contribution limits and prohibitions. The exemptions provided are only available for any activity which affects a nonfederal election.

For example, the exemption for "amounts contributed [by a state party] to a candidate for other than federal office" only applies to contributions to a nonfederal candidate which are used on activities that affect nonfederal candidates. The exemption does not permit a nonfederal candidate to serve as a conduit for receiving contributions which are then used for activities to benefit a federal candidate, such as a get-out-the-vote drive or generic advertising.

Similarly, the exemption that allows state parties to make expenditures for "campaign activities . . . that are exclusively on behalf of State or local candidates" cannot be used as a vehicle for expenditures by a state party which are used for *any kind* of get-out-the-vote activities (or any other activity) which affects a federal election, in whole or in part. The conference report specifically requires that if these activities, including get-out-the-vote activity of any kind, affects a federal election, the exemption would not apply and the activity would have to be financed with contributions which fully meet the limitations and prohibitions of the federal law.

The conference agreement prohibits state party committees from evading the contribution limits of federal law by using nonfederal money for get-out-the-vote activities for nonfederal candidates, recognizing that such activities may be undertaken with the real intention of aiding federal candidates. However, this would not prohibit the use of nonfederal money for written campaign materials, such as slate cards or brochures that support only specifically named nonfederal candidates, that have only an incidental effect on voting for the entire ticket, and that are not devices to use nonfederal money to assist federal candidates.

The exemption for state party administrative costs is meant to include those staff, overhead and related costs which are directly related to the support of state candidates or conventions. Staff who devote substantial portions of their activities to elections for federal office must be financed solely with funds which meet the contribution limits and prohibitions of the Act. State party administrative expenses may not to be used to finance federally-related activities.

Under the conference agreement, national party committees may spend nonfederal money to support activities which are defined as not in connection with a federal election. National party committees are prohibited from raising or spending nonfederal money for any activity which in whole or in part affects a federal election.

While the conferees intend to put an end to the practice of using soft money to affect federal elections, they do not wish to interfere with the legitimate responsibilities of state party committees to help organize and coordinate election efforts for both federal and nonfederal candidates. Therefore, the conference report includes modifications to the Senate provisions to clarify the means by which state parties may operate coordinated campaigns between federal and nonfederal candidates.

These provisions permit state and local candidate committees to participate in coordinated campaign efforts sponsored by state party committees so long as the amounts received from the state and local candidate committees are derived from funds which are legal under federal law; that is, they are from sources and in amounts permitted under the Act. This is determined by examining the account balance of the state or local candidate committee at the time the payment or transfer is made. The balance shall be considered to consist of the funds most recently received by the committee for purposes of determining that the source and amount restrictions of federal law are met.

The state and local candidate committee must certify that such funds meet those requirements. However, the certification does not create a presumption that such funds meet the source and amount restrictions of federal law. State and local candidate committees, which make payments to state party committees for activities which in whole or in part affect federal elections, must keep records of the sources of the funds in their accounts from which the payments are made and be prepared to make such records available for examination to the Federal Election Commission.

The conferees are aware that coordinated campaign efforts between federal and nonfederal candidates can be organized and funded in many different ways. In some cases, coordinated campaigns may be informal arrangements where federal and nonfederal candidates appear together on campaign materials. In other cases, formal arrangements are made for the pooling of funds to be spent on a variety of activities to promote the election of federal and nonfederal candidates.

In some cases, candidates may wish to raise funds directly for the political party to fund a coordinated campaign. In other cases, candidates may make contributions to the party or may make payments to the party committee or to a vendor for the services provided to the campaign. In none of these cases are soft money funds allowed to be used for expenditures that may affect a federal election.

The conference agreement does not provide a detailed statutory framework to cover every conceivable arrangement of coordinated campaigns. Rather, the conference agreement is drafted in sufficiently broad language to cover varying arrangements for state party activities that affect federal elections. It is the intent of the conferees, as expressly stated in the conference agreement, that the Federal Election Commission promulgate regulations to ensure that the provisions of this section are not undermined or evaded through devises or arrangements which have the purpose or effect of avoiding the soft money restrictions.

In the past, campaign finance laws has been undermined by schemes that have been developed to avoid the limitations and prohibitions of the Act. The FEC should develop more elaborate accounting or reporting requirements to ensure the law is not evaded by candidates with more substantial financial resources such as state wide candidates or those with larger campaign operations.

The conferees are advised that some state and local candidate committees will make payments unrelated to any coordinated campaign for services such as voting lists which in part affect federal elections. The conferees do not require that such payments must meet the source and amount restrictions of the Act as long as such funds are in payment for services unrelated to a coordinated campaign with federal candidates or for activities that affect a federal election. Such funds will retain their character as nonfederal money in the accounts of the state party committee.

The conference agreement repeals provisions in current law which exempt certain campaign materials and presidential get-out-the-vote activities by state and local party committees from the definition of expenditure. These so-called "exempt activities" provisions have proven to be vehicles for the evasion of the contribution and coordinated expenditure limits of the law. Because of the varied fact patterns that can apply to such activities, this has been a difficult area of the law for the FEC to enforce. Party committees have claimed to have satisfied the "volunteer" aspect of these provisions simply by having a few volunteers stamp preprinted, pre-sorted mass mailings. Extremely complex accounting has been required to ascertain if national party funds are being used in part or in whole.

In replace of these exempt activities provisions, the conference agreement gives state party committees their own coordinated expenditure allowance of four cents per voting age population (actually approximately ten cents per voter because this is indexed for inflation back to 1974) to correspond to other coordinated expenditure allowances in Act. The Senate bill is modified to limit this new coordinated expenditure allowance to expenditures other than television broadcasts.

The conference agreement deletes the Senate provision limiting the ability of political party committees to transfer federally permissible funds. The definition of "federal election period" for purposes of determining whether certain expenditures affect a federal election is modified to provide a uniform rule among states regardless of when their primary begins. Under the conference agreement, the "federal election period" will begin on April 1 in years when there is a presidential election, and on June 1 in nonpresidential election years.

TITLE IV—CONTRIBUTIONS

SECTION 401. CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS

Senate bill

Contributions made through an intermediary or conduit, including contributions made or arranged to be made by an intermediary or conduit, would be limited to the contribution limit of the intermediary or conduit. In general, political committees; connected organizations; and their officers, employees and agents; as well as lobbyists, would be prohibited from acting as conduits or intermediaries of contributions to candidates except to the extent such contributions do not exceed the contribution limit of the conduit or intermediary. An officer, employee, or agent of an organization prohibited from making contributions under federal law (corporation, labor organization, or national bank) would be prohibited from serving as a conduit on behalf of the organization in excess of the contribution limit of the officer, employee, or agent. These rules

would not prohibit bona fide joint fundraising efforts undertaken by candidates and party committees.

House amendment

Contributions through a conduit or intermediary would be prohibited, however, certain persons would not be considered to be a conduit or intermediary, including: a candidate or representative of a candidate; a professional fundraiser providing paid services to the candidate; a volunteer hosting a fundraising event at the volunteer's home; an individual transmitting a contributions from the individual's spouse. For these purposes, the following cannot be a representative of a candidate: a political committee with a connected organization; a political party; a partnership or sole proprietorship, or an organization prohibited from making contributions under federal law, i.e. a corporation, labor organization, or national bank.

Conference substitute

The conference agreement follows the Senate bill with certain modifications taken from the House bill to clarify the reach of the provisions.

The intent of these provisions is to stop evasion of the contribution limits and prohibitions of current law whereby political committees, individuals, and others solicit individual campaign contributions and then bundle the contributions together or otherwise arrange for the candidate to receive the contributions in a way which allows them to be recognized as providing the contributions. In the case of a PAC, for example, this means that contributions are organized and provided by the PAC in excess of its contribution limits in a way that makes clear that the PAC is responsible for the contributions being made.

The purpose of the contribution limits and prohibitions of current law is to prevent corruption and the appearance of corruption. The bundling provisions in the conference report are designed to prevent the existing contribution limits and prohibitions from being evaded and undermined.

The conference agreement limits bundling by lobbyists; partnerships and sole proprietorships; organization prohibited from making contributions under federal law and their officers, employees or agents acting on the organization's behalf; and individuals who are agents, employees, or officers of a political party or connected political committee.

In general, the bundling provisions are not intended to interfere with the ability of federal candidates to raise campaign funds from persons who do not present problems of corruption or the appearance of corruption. Therefore, the conference agreement does not cover individuals acting in their own capacity (other than registered lobbyists to whom special provisions apply) unless they are engaging in such efforts on behalf of another entity covered by federal contribution limits and prohibitions.

For example, the bundling provisions do not apply to individuals serving as volunteers helping raise campaign funds for candidates through fundraising receptions or by other methods. So that there is no confusion about the reach of these provisions, the conferees have adopted specific clarifications from the House bill providing that the bundling restrictions do not apply to the following: a volunteer hosting a fundraising event at the volunteer's home; representatives of the candidate occupying a significant position in the campaign, professional fundraisers working for the candidate, and individuals transmitting a contribution from the individual's spouse.

If an individual in raising contributions for a candidate for federal office is acting in behalf of another entity covered by federal campaign limits and prohibitions, such as assisting a PAC or political party in making contributions in excess of its limit, then the contributions would be treated as coming from the PAC or political party as well as the original donor, in order to prevent evasion of the law.

Persons required to register as lobbyists or foreign agents would also be required to treat contributions they bundled for a federal candidate against their own contribution limit. The purpose of this provision is to ensure that lobbyists are not able to evade their contribution limits and use large sums of money beyond that which they are otherwise permitted to contribute to obtain influence with government officials.

SECTION 402. CONTRIBUTIONS BY DEPENDENTS NOT OF VOTING AGE

Senate bill

Section 223 of the Senate bill amends section 315 of the Act to count contributions of non-voting age dependents of another individual as contributions of that individual, and allocated between that individual and his or her spouse, if applicable. This was intended to prevent wealthy individuals from circumventing the Act's contribution limits by channeling donations through their children.

House amendment

Section 202 of the House bill contains the identical provision.

Conference substitute

The conference substitute is the same as the Senate and House provisions.

SECTION 403. CONTRIBUTIONS TO CANDIDATES FROM STATE AND LOCAL COMMITTEES OF POLITICAL PARTIES TO BE AGGREGATED

Senate bill

No provision.

House amendment

The House amendment includes a provision to assure that candidates do not receive contributions from state and local party committees in excess of the limit. Since the amount a candidate can receive from all such committees is subject to a single limit, aggregation by all such committees is required and the candidate may not accept any contribution from any such party committee if that contribution when aggregated with all other contributions will exceed the overall limit.

Conference substitute

Adopts the House provision.

SECTION 404. LIMITED EXCLUSION OF ADVANCES BY CAMPAIGN WORKERS FROM THE DEFINITION OF THE TERM "CONTRIBUTION"

Senate bill

No provision.

House amendment

Provides for an exemption from the definition of the term "contribution" for any campaign expense voluntarily paid for by a campaign worker as an advance to the campaign provided the amount did not exceed $1,000 and that repayment was made by the campaign to the worker within 60 days of the date of the advance.

Conference substitute

Adopts the House provision with a modification of the amount to $500 and the period of the advance reduced to 10 days.

TITLE V—REPORTING REQUIREMENTS

SECTION 501. CHANGE IN CERTAIN REPORTING FROM A CALENDAR YEAR BASIS TO AN ELECTION CYCLE BASIS.

Senate bill

Section 231(a) of the Senate bill amended section 304(b) of the Act to require candidates and authorized committees to aggregate information on their financial activity reports on an election cycle, rather than a calendar year, basis. This was intended to make reports conform to the way we actually conduct and think of elections today, rather than attempt to fit them into the artificial boundaries of the calendar.

House amendment

Similar provision.

Conference substitute

Adopts the House provision, applied to all Federal candidates.

SECTION 502. PERSONAL AND CONSULTING SERVICES

Senate bill

Section 231(b) of the Senate bill requires candidates to report any expenditure in excess of the reporting threshold made to a person who provides services or materials for the candidate, whether the payment was made directly or indirectly. This provision was intended to provide for the identification of subcontractors, or secondary payees, who are hired by campaign consultants to perform specific services for campaigns and thus to achieve fuller disclosure under the Act.

House amendment

No provision.

Conference substitute

The conference substitute is the same as the Senate bill.

SECTION 503. REDUCTION IN THRESHOLD FOR REPORTING OF CERTAIN INFORMATION BY PERSONS OTHER THAN POLITICAL COMMITTEES

Senate bill

No provision.

House amendment

Section 1001 of the House bill amended section 304(b)(3)(A) of the Act to require candidates to itemize contributions of over $50, rather than the current threshold of $200. This was intended to increase the amount of information which may be publicly available.

Conference substitute

Adopts the House provision.

SECTION 504. COMPUTERIZED INDICES OF CONTRIBUTIONS

Senate bill

No provision.

House amendment

Section 1004 of the House bill amended section 311(a) of the Act to require the FEC to maintain computerized indices of all contributions of at least $50, reduced from the current threshold of $200. This was intended to facilitate public access to the greater amount of information required to be disclosed under this legislation.

Conference substitute

Adopts the House provision.

TITLE VI—FEDERAL ELECTION COMMISSION

SECTION 601. USE OF CANDIDATES' NAMES

Senate bill

Section 301 of the Senate bill amended section 302(e)(4) of the Act to prohibit a political committee that is not an authorized

committee from using a candidate's name in a way to suggest that the committee has been authorized by that candidate.

House amendment

Section 602 of the House bill contains a virtually identical provision.

Conference substitute

Adopts the House amendment.

SECTION 602. REPORTING REQUIREMENTS

Senate bill

Section 302(a) of the Senate bill allows candidate committees to file disclosure reports on a monthly basis in all years.

House amendment

No provision.

Conference substitute

Adopts the Senate provision.

SECTIONS 603-8. OTHER PROVISIONS RELATING TO THE COMMISSION

Senate bill

Several provisions would effect several substantive and procedural changes in the activity of the Commission.

The Senate was concerned with perceived inefficiency in the ability of the Federal Election Commission, as currently constituted, to enforce the law in an efficient and effective manner. The problem stems partly from partisan deadlock on a Commission which is made up of an equal number of individuals from each of the major parties. The bill would change the current requirement that the Commission have four affirmative votes to proceed on a recommendation of the general counsel to an affirmative vote of three members of the Commission. Under the provisions of the bill, the Commission could proceed to a finding of "reason to believe," to initiate or proceed with an investigation, the requirement for the production of documentary evidence, or to order and conduct testimony by three affirmative votes on a recommendation of the General Counsel.

S. 3 also took steps to remedy the unnecessarily lengthy amount of time in which it takes the Commission to resolve enforcement matters. Under the provision of the Act, the Commission is required to make a finding of "reason to believe" that a violation has occurred. This standard produces dual inefficiencies: (1) it requires extensive staff time of the Commission's general counsel to process the complaint, and (2) candidates, against whom a complaint is filed, are unwilling to proceed to conciliation of a complaint because the Commission's finding of reason to believe that a violation has occurred creates the impression that the candidate has in fact violated the laws. To remedy these problems, the bill makes the reason to believe finding one in which there is reason to believe that a violation may have occurred. The rationale being that this lesser standard creates a less stigmatizing allegation of wrongdoing, and therefore will make candidates accused of wrongdoing more likely to conciliate a complaint and resolve the matter in a more efficient manner.

In an effort to further expedite the process, S. 3 reduces the time period for the Commission to correct apparent violations through conciliation.

The bill also restores authority to the Commission to conduct random audits of political committees.

The bill would also establish the rate of pay for the general counsel to be the same as the staff director and further provides, that in the event of a vacancy in the position of the general counsel, the next highest ranking enforcement official shall serve as acting general counsel, pending the appointment of a successor.

House amendment

No similar provisions.

Conference Substitute

Adopts the Senate bill with the following modifications:

1. The conference agreement eliminates the provision which would have permitted the Commission to proceed on certain prescribed recommendations of the general counsel by 3 affirmative votes. The conferees expressed concern that such a policy on an evenly divided politically oriented Commission might create an unreasonable number of inquiries. Further, such a policy may not adequately protect the rights of one being subjected to the process.

2. The conference agreement eliminates the provisions of the Senate bill which would have reduced the conciliation periods for enforcement matters. The conferees believes that the periods for conciliation in S.3 would not produce an adequate amount of time for the full benefits of conciliation to be realized.

TITLE VII—BALLOT INITIATIVE COMMITTEES

SECTION 701. DEFINITIONS RELATING TO BALLOT INITIATIVES

Senate bill

No similar provision.

House amendment

Defines the terms "ballot initiative political committee," ballot initiative contribution" and "ballot initiative expenditure." A ballot initiative political committee is any committee, club, association, or other group of persons which makes ballot initiative expenditures or receives ballot initiative contributions in excess of $1,000 during a calendar year. A ballot initiative contribution is any gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing the outcome of any referendum or other ballot initiative voted on at the State, commonwealth, territory, or District of Columbia level which involves (A) interstate commerce; (B) the election of candidates for Federal office and the permissible terms of those so elected; (C) Federal taxation of individuals, corporations or other entities; or (D) the regulation of speech or press, or any other right guaranteed under the U.S. Constitution. The definition of ballot initiative expenditure parallels the definition of ballot initiative contribution.

Conference substitute

Adopt the House provision.

SECTION 702. AMENDMENT TO DEFINITION OF CONTRIBUTION

Senate bill

No similar provision.

House amendment

Amends the definition of "contribution" under the Act to exclude ballot initiative contributions.

Conference substitute

Adopts the House amendment.

SECTION 703. AMENDMENT TO DEFINITION OF EXPENDITURE

Senate bill

No similar provision.

House amendment

Amends the definition of "expenditure" under the Act to exclude ballot initiative expenditures.

Conference substitute

Adopts the House provision.

SECTION 704. ORGANIZATION OF BALLOT INITIATIVE COMMITTEES

Senate bill

No similar provision.

House amendment

Amends provisions of the Act pertaining to the organization of political committees to make them applicable to ballot initiative political committees.

Conference substitute

Adopts the House amendment.

SECTION 705. BALLOT INITIATIVE COMMITTEE REPORTING REQUIREMENTS

Senate bill

No similar provision.

House amendment

Amends provisions of the Act pertaining to political committee reporting requirements to make them applicable to ballot initiative political committees.

Conference substitute

Adopts the House amendment.

SECTION 706. ENFORCEMENT AMENDMENT

Senate bill

No similar provision.

House amendment

Provides that the civil penalties of the Act shall apply to the organizational, record-keeping and reporting requirements of a ballot initiative political committee.

Conference substitute

Adopts the House provision.

SECTION 707. PROHIBITION OF CONTRIBUTIONS IN THE NAME OF ANOTHER

Senate bill

No similar provision.

House amendment

Provides that no person shall make a ballot initiative political contribution in the name of another person, and that no person shall knowingly accept a ballot initiative political committee contribution made by one person in the name of another.

Conference substitute

Adopts the House amendment.

SECTION 708. LIMITATION ON CONTRIBUTION OF CURRENCY

Senate bill

No similar provision.

House amendment

Provides that no person shall make a ballot initiative contributions of currency which, in the aggregate, exceed $100.

Conference substitute

Adopts the House amendment.

TITLE VIII—MISCELLANEOUS

SECTION 801. PROHIBITION OF LEADERSHIP COMMITTEES

Senate bill

Section 401 prohibits Federal candidates or officeholders from establishing, maintaining, or controlling a political committee, other than an authorized candidate committee or party committee.

House amendment

Section 601 prohibits a candidate for Federal office from establishing, maintaining or controlling any political committee other than a principal campaign committee, authorized committee, party committee, or joint fundraising committee. One year after the effective date of this Act, leadership

committees must have disposed of their funds by giving them to charity, to the Treasury, to political parties, or to candidates subject to a $1,000 limitation per candidate.

Conference substitute

Adopts House amendment with modification to apply prohibition to a Federal officeholder as in Senate bill.

SECTION 802. POLLING DATA CONTRIBUTED TO CANDIDATES

Senate bill

Section 402 provides that contributions of polling data to Senate candidates be valued at fair market value on the date of the poll's completion, and depreciated at a rate of no more than 1% a day from the completion to the transmittal of the data.

House amendment

No similar provision.

Conference substitute

Adopts Senate provision applicable to all Federal candidates.

SECTION 803. DEBATES BY GENERAL ELECTION CANDIDATES WHO RECEIVE AMOUNTS FROM THE PRESIDENTIAL ELECTION CAMPAIGN FUND

Senate bill

Section 406 establishes that in order for general election candidates for President to be eligible to receive public financing they must agree in writing to participate in at least 4 debates; candidates for Vice President must participate in at least 1 debate. If the Commission determines that such candidates have failed to participate in a debate, the candidate shall be ineligible to receive payments from the Presidential Election Campaign Fund and pay to the Treasury an amount equal to the amount of payments made.

House amendment

No similar provision.

Conference substitute

Adopts Senate provision.

SECTION 804. PROHIBITION OF CERTAIN ELECTION-RELATED ACTIVITIES OF FOREIGN NATIONALS

Senate bill

Section 410 of the Senate bill sought to curb the influence of foreign nationals in the U.S. electoral process, beginning with a statement of Congress' intent that such participation is to be prohibited. It amended section 319 of the Act, extending the prohibition on contributions by foreign nationals to cover any influence in directing, dictating, controlling, or participating in (even indirectly) any person's or committee's decision making concerning contributions or expenditures in any election. It further required political action committees to state in solicitations that foreign nationals may not contribute and to certify to the FEC that foreign nationals did not participate in any decision making.

House amendment

Section 603 of the House bill amended section 319 of the Act to extend the prohibition on contributions by foreign nationals to cover any influence in directing, dictating, controlling, or participating in any person's election-related activities, such as making contributions or administering a political action committee.

Conference substitute

The conference substitute includes the House provision prohibiting influence by foreign nationals in any person's or committee's decisions regarding contributions and expenditures. It also includes the Senate solicitation requirement for PACs, but it deletes the Senate bill's FEC certification requirement and its statement of findings. It was felt that the conference substitute will adequately protect the political process from undue foreign influence, such as that perceived by some in a time of foreign ownership of many American corporations, while still safeguarding the political rights of employees of such businesses.

SECTION 805. AMENDMENT TO FECA SECTION 316

Senate bill

No provision.

House amendment

Permits union and corporate expenditures for candidate appearances, debates and voter guides as exempt from prohibition on corporate and union contributions and expenditures in Federal elections if certain conditions are met that are intended to assure that there is no express advocacy or favoritism through the structure or format of the activity.

CONFERENCE SUBSTITUTE

Adopts House amendment.

SECTION 806. TELEPHONE VOTING BY PERSONS WITH DISABILITIES

Senate bill

Section 501 requires the Commission to conduct a feasibility study on the development of telephonic voting for persons with disabilities. This would not supersede or supplant efforts by State or local officials from making polling places physically accessible to persons with disabilities. The Commission is required to file a report to the Congress within one year following the enactment of this Act.

House amendment

No similar provision.

Conference substitute

Adopts Senate bill provision.

SECTION 807. PROHIBITION OF USE OF GOVERNMENT AIRCRAFT IN CONNECTION WITH ELECTIONS FOR FEDERAL OFFICE

Senate bill

No provision.

House amendment

Provision would limit use of government aircraft in connection with a Federal election to the President and Vice President, and require that the government be reimbursed for actual cost of that portion of the use allocable to political activities and require full disclosure of the costs and the amount paid.

Conference substitute

Adopts the House provision.

SECTION 808. SENSE OF THE CONGRESS

Senate bill

No provision.

House amendment

Section 1301 of the House bill stated the sense of the Congress that it should consider legislation to provide for a constitutional amendment providing for limitations on Federal election expenditures. This was intended to allow Congress greater latitude in this area, in view of the restrictions imposed by the Supreme Court's 1976 ruling in Buckley v. Valeo.

Conference substitute

Adopts the House provision.

TITLE IX—EFFECTIVE DATES; AUTHORIZATIONS

SECTION 901. EFFECTIVE DATE

Senate bill

Provides that the Act, except as specifically provided elsewhere, should take effect on the date of enactment of the Act, but should not apply to any activities in connection with any election occurring before January 1, 1993.

House amendment

Similar provision.

Conference substitute

Conference agreement provides the Act, except as specifically provided elsewhere, should take effect on the date of enactment of the Act, but should not apply to any activities in connection with any election occurring before January 1, 1993. Moreover, the conferees have adopted section 902 which supersedes language in S.3 and the House amendment that enacted various effective dates that were contingent upon different funding mechanisms. The approach of the Conference agreement establishes that the effective date of the provisions of the Act is the latter of Section 901 or the date of enactment of subsequent legislation as specified in Section 902.

SECTION 902. BUDGET NEUTRALITY

Senate bill

The Senate bill included Senate Amendment 244 which expressed the "Sense of the Senate" that funding for any benefits to candidates provided under the legislation is to be derived from removing the subsidy for political action committees with regard to their contributions and for other organizations with regard to their lobbying activities. The latter envisioned curtailing section 162(e) of the Internal Revenue Code, allowing for a deduction against federal income tax liability of certain expenses to lobby the federal government for changes in federal laws and regulations. Under the Senate's construction, deductions would be denied to businesses for amounts incurred directly or paid to lobbying firms for a purpose other than that which would have direct impact on the business of that person. Lobbying firms could continue to deduct expenses incurred in representing clients before the Congress and Federal agencies. The Joint Committee on Taxation provided an estimate that enactment of this provision would raise federal budget receipts by $500 million over the Fiscal Year 1992 to 1996 period.

It was also the Sense of the Senate that benefits would not be paid for by increasing revenues, reducing federal programs, or in any way increasing the federal budget deficit.

Moreover, section 101 of the Senate bill stated that, with regard to the broadcast vouchers provided to participating Senate candidates, funding was to be derived from voluntary contributions by citizens and groups, tax checkoff donations which do not stem from any tax liability (such as under the Presidential Election Campaign Fund's checkoff), or from persons and organizations made in connection with election activities.

House amendment

Title III of the House bill provides that estimates of the costs under Section 252 of the Balanced Budget and Emergency Deficit Control Act ("Deficit Control Act") will not immediately be counted towards the pay-as-you-go scorecard for sequestration purposes for Fiscal Year 1992. Instead, by January 1, 1993, all net costs of the bill must be fully offset by provisions to either raise revenues or reduce spending. Because the bill does not obligate expenditures, in terms of providing benefits to eligible candidates, until the second quarter of Fiscal Year 1994 at the earliest, the cost estimates required under Section 252 of the Deficit Control Act must be

offset by savings that accrue from provisions to raise revenues or reduce spending for both Fiscal Years 1994 and 1995.

Moreover, the House amendment specified that if the following conditions have not been met by January 1, 1993, then the provisions of the Title VII relating to excess funds of incumbents, section 201 relating to the limitations on political committee and large donor contributions, and sections 504 through 509 relating to provision of matching payments and establishment of a Make Democracy Work Fund do not become effective: provisions creating incentives for individuals to make voluntary contributions to the candidate of their choice and for individuals or organizations to make voluntary contributions to the Make Democracy Work Fund.

Under the parameters of Title III of the House amendment, no revenue measure is implemented. The amendment establishes a Make Democracy Work Fund as the account to provide funds for matching payments pursuant to section 504 and to offset initial costs assumed by the Commission in the increased computerization of reporting requirements. The Make Democracy Work Fund is a Treasury account as specified under section 504(e), but the Committee on House Administration recommended that this account could be administered by a nongovernmental organization similar in structure to the "Points of Light Foundation Act" or the National Endowment for Democracy. The Committee further believes that the Make Democracy Work Fund could be entirely funded by voluntary private contributions by individuals or organizations subject to the long-standing principles underlying contributions to federal elections. Moreover, other avenues of investigation should include the addition of provisions for federal income tax purposes whereby taxpayers could voluntarily increase their tax liability and direct such sums to the Make Democracy Work Fund.

Conference substitute

The Conference agreement does not provide for any source of funds to pay for the benefits contemplated under Title I. Since the conference vehicle is a Senate bill, it would violate Article 1, Section 7 of the United States Constitution which requires that all bills which affect revenues must originate in the U.S. House of Representatives. Consequently, the Conferees have omitted any statutory language linking the establishment or administration of any account to the United States Government.

The Conferees have adopted the authorization approach of title III of the House amendment. Section 902 of the Agreement specifies that none of the provisions of the conference agreement shall be effective until the Congress enacts subsequent legislation effectuating this Act. This provision prohibits any estimated costs of the bill from being counted towards the pay-as-go scorecard for sequestration purposes. Furthermore, the conferees intend that this provision creates an open-ended authorization framework for campaign finance reform. And that designating the source of financing is an issue to be decided in subsequent legislation.

The Conference agreement also provides for a Sense of the Congress resolution that subsequent legislation effectuating this act shall not provide for any general revenue increase, reduce expenditures for any existing federal program, or increase the federal budget deficit. The Conferees believe that this Sense of the Congress approach best reflects the desire of both Houses to avoid the commitment of public resources to financing any part of Congressional campaigns.

SECTION 903. SEVERABILITY.

Senate bill

The Senate bill provides that if any parts of S. 3, other than the spending limits and public benefits section, are held invalid, other parts of the Act are unaffected. However, if the spending limits and public benefits section was held invalid, the rest of the bill would also be invalid.

House amendment

The House amendment provides that if any part of the spending and contribution limits, matching funds, and reduced mail rates are held invalid, all of the political action committee and large donor limits are also held invalid.

Conference substitute

In an effort to avoid enacting piecemeal legislation, the Conference agreement provides that if key sections of the Spending Limits and Benefits section (section 101) are held invalid, or any section of the House amendment aggregate limit on political action committee and large donor contributions (section 122) are held invalid, the entire bill is invalid. However, if any other parts of the bill are held invalid other provisions remain intact.

CHARLIE ROSE,
SAM GEJDENSON,
DICK GEPHARDT,
AL SWIFT,
LEON E. PANETTA,
MIKE SYNAR,
GERALD D. KLECZKA,

For consideration of sections 103 and 202 of the Senate bill, section 802 of the House amendment, and modifications committed to conference:

EDWARD J. MARKEY

For consideration of sections 104, 404, 409, and 411 of the Senate bill, section 103 of the House amendment, and modifications committed to conference:

WILLIAM L. CLAY,
FRANK MCCLOSKEY,
Managers on the Part of the House.

WENDELL H. FORD,
DAVID L. BOREN,
GEORGE MITCHELL,
Managers on the Part of the Senate.

HOUR OF MEETING ON WEDNESDAY, APRIL 8, 1992

Mr. ABERCROMBIE. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, April 7, it adjourn to meet at 11 a.m. on Wednesday, April 8, 1992.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

A BETTER CAMPAIGN REFORM BILL

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, I have just brought to the House the conference report on campaign finance reform. We have been working on this for over a year now, with support from many of the Members and the work of the Senate.

I think we have come up with even a better bill than originally passed in the House.

For House Members, this bill is important because it will do what virtually everyone interested in campaign finance reform says must be done. This bill will limit spending. It will limit PAC's and it will limit the money that wealthy individuals can give to candidates as well.

So, Mr. Speaker, what we have here I think is an important first step in making up for the damaged campaign finance reform done by the Buckley versus Valeo case.

There is a lot of talk suddenly about reform in the Congress. We have been working on this now for over a year. We have had a great effort done between the House and the Senate and I am hopeful that early next week we will be able to pass this campaign finance bill, this bill that limits spending, and hope we can convince the President to sign the bill, because you cannot have campaign finance reform without a limit on spending. This bill does that and we certainly hope we can get the President to sign it.

INTRODUCTION OF TWO UTAH LAND EXCHANGE BILLS

(Mr. HANSEN asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. HANSEN. Mr. Speaker, I rise today at the request of Gov. Norman Bangerter, the Governor of the great State of Utah, to introduce two important land exchange bills involving Federal lands.

The first bill involves the exchange of lands between the State of Utah and the Bureau of Land Management [BLM] and the National Forest Service. The bill directs the Secretary of the Interior to exchange Federal mineral interests in Utah for certain State of Utah owned lands located within units of the National Forest System in Utah.

The second bill involves an exchange of lands between the State of Utah and the BLM and the National Park Service [NPS]. In addition, there would be an exchange ordered of lands owned by the Navajo Nation and the Goshute Indian Tribe and the Federal Government.

Ultimately, education interests in Utah will benefit from the exchange of these lands. Royalties generated from activities conducted on the lands will provide important revenues for Utah education purposes.

Given the fact that approximately 75 percent of the Utah's total land mass is federally owned, the State has had dif-

ficulty creating a property tax base in order to fund education needs. Although these bills affect only a very small amount of acreage within the State of Utah, they will go a long way toward correcting a longstanding funding inequity.

I understand that these bills are being introduced in the other body by both Members of the Utah delegation. We are working hard to forge consensus bills that can be supported by all interested parties in the State.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2368

Mr. THOMAS of Wyoming. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 2368.

The SPEAKER pro tempore (Mr. ABERCROMBIE). Is there objection to the request of the gentleman from Wyoming?

There was no objection.

INCENTIVES FOR DOMESTIC OIL PRODUCTION

The SPEAKER pro tempore (Mr. ABERCROMBIE). Under a previous order of the House, the gentleman from Wyoming [Mr. THOMAS] is recognized for 5 minutes.

Mr. THOMAS of Wyoming. Mr. Speaker, I want to take this 5 minutes to address a matter that I consider to be of extreme economic importance and very important also to industry within this country, and particularly in my case the State of Wyoming, and that is domestic oil production and the incentives that I believe are required to improve domestic oil production.

Mr. Speaker, we become more dependent each day, and certainly each year on foreign imports. It is sort of interesting that we went through just over a year ago the conflict in the Middle East and much of it had to do with oil, of course. I suppose it is because we did not have lines at the gas stations, or whatever, but we came away without ever having changed much in terms of what we do on domestic oil production. Indeed, we are importing more now than we were then. We are more dependent.

We have lost 300,000 jobs in the domestic oil industry.

We talk about the military changes. We talk about General Motors. Here is an industry that has lost 300,000 jobs because of the transfer of production of oil from domestic to foreign.

There are some things we can do about it. Probably just as important is that we are dismantling an industry that we may need very quickly and have needed in the past very quickly, and you cannot put it back into place real quick. We have oil rigs, for instance, at the airport in Casper, WY, and they are not ready to go. Parts have been taken off. It is not as if you can turn on an oil spigot the next day.

Let me first basically talk about a couple of things that I think are equally as important, and that is the process that has kept us from dealing with the issue of energy, and particularly making incentives for the oil industry.

□ 1110

I spoke the other day about the management of this House, and I say again that I am very disappointed in the management of our issues here, the management of our time and our resources.

Here we are, for example, today we have done very little this week; I think we voted on one substantive issue. Mr. Speaker, we are elected to do more than that. I think that we should.

The leadership has not brought us the opportunity to solve problems. We are here to solve problems. We seem to find, in an election year, more interest in talking about issues that might have something to do with the election than we do dealing with the reason we are here, and that is to solve problems. Almost everyone would agree we ought to be talking about health care; it is the issue that almost everyone agrees is the most pressing social issue that we have.

We know what to do about it. We know if we make decisions, that we ought to be talking also about education. Nearly everyone agrees we ought to be doing a better job in education. But we do not do it—we do more of what we have been doing and then wonder why things are not different. We ought to be talking about crime. We had a crime package here. We have not done it.

Most of all we ought to have an economic package before us. We had one here, and the President vetoed it. Apparently, everyone is pouting because that was not accepted. We ought to come back with another. I urge the Republican leadership to come forward with one.

I think we need an economic package that is not politically motivated tax relief, that is not income redistribution, that is not bells and whistles dealing with miners' retirement in northern West Virginia, but it ought to be one that creates jobs. That is what I am talking about in the oil business. I think the Republicans ought to be proud of the fact that we have proposed reasonable economic growth packages during the 102d session of Congress. Unfortunately, we have been prevented from enacting them into law.

Mr. Speaker, for much of the Nation there are good reasons for people to be confident about their futures. Signs of growth are surfacing every day. I hope they will continue, and I hope they will strengthen. But there is still a need to have a targeted economic package to create more growth for more people, more jobs.

A change in the alternative minimum tax could cause Americans in the oil and gas industry, who presently have little reason to think relief is around the corner, to have increased confidence in their investments. I mentioned that 300,000 jobs were lost in the past decade. While demand for imports have climbed 2 million barrels a day, our loss is another country's gain. The Independent Producers Association estimates that every day 12 supertankers pull into the U.S. ports from foreign shores, resulting in a loss of $142 million a day to our economy. The largest single issue in our deficit, balance of payment, is the importation of crude oil.

For many in the private sector, the Federal Government and its policies have created this ever-widening crevice separating where we should be and where we are. I am concerned about the long-term implications of this situation. As we see renewed growth in the general economy, we want to turn this industry around as well.

Changes in the alternative minimum tax would certainly carry us closer to meeting our own needs and weaning us from our dependence on imported energy products.

It makes it difficult to deduct reasonable expenses that go into drilling. Furthermore, it makes difficult, if not impossible, to deduct the kinds of things that you have to do for the environment.

So I think it is fair to say, Mr. Speaker, that there is reason to move and to move quickly, and I hope that we can consider the alternative minimum tax as part of an economic package to create jobs in the country.

CONFERENCE REPORT ON CAMPAIGN FINANCE REFORM

The SPEAKER pro tempore (Mr. ABERCROMBIE). Under a previous order of the House the gentleman from Connecticut [Mr. GEJDENSON] is recognized for 5 minutes.

Mr. GEJDENSON. Mr. Speaker, first let me thank Speaker FOLEY and Majority Leader GEPHARDT for all the work they have done in the campaign finance reform bill. Without them and our whip, the gentleman from Michigan [Mr. BONIOR] we would not have gotten to this point. With the leadership of the Speaker, the majority leader, and the whip, we have before the Congress now a conference report on campaign finance reform. This is not something that started in the weeks of turmoil that we have had recently, but over a year ago the Speaker asked me to lead this effort on campaign finance reform.

The gentleman from North Carolina [Mr. ROSE], chairman of the Committee on House Administration, at every instance was helpful and put in the kind of effort that made this accomplishment possible.

Clearly, the gentleman from Washington [Mr. SWIFT], who had gone through this process but a year or two ago, helped us immensely with the work that he had done and also his advice and counsel.

While all the members of the committee worked hard, particularly I would like to thank again the gentleman from Wisconsin [Mr. KLECZKA] for his help in the hearings that we held in Wisconsin and Minnesota and the work back here in the capital.

Mr. Speaker, when my parents came to this country in 1949, they came to a land where it was not the economic process that attracted them, because there were other countries in the world where you could live comfortably. It was the political process. It was a process that provided opportunity for all. And the democratic institutions protected the most powerful as well as those without power.

There is concern in the land today that the political process is weighed heavily for those with power. In a democracy, perception is, frankly, as important as the reality. Even though we can point to an over 80-percent turnover in the House of Representatives since 1970 and a 62-percent turnover since 1980, there is still a feeling in the countryside that there are problems in the system.

The biggest problem I see is the race for money. Whether you are running for President, Congressman, or Senator, we all spend entirely too much time trying to raise money. As we go back to our town meetings and talk to our constituents and listen to folks and organizations such as Common Cause and others who think about the political process, there is general agreement that, unless we limit spending, we will not reform the political system.

I remember a number of years ago, two friends of mine in Norwich, CT, Helen and Howard Glick got a call from a Senator from the other part of the country, clear across the United States. He was calling them and asking them for a campaign contribution.

It struck me then that if a Senator was calling to my constituents in eastern Connecticut, he was spending too much time raising money and that meant he was either not spending enough time with his family or with his job.

So, I would hope that Members focus on what is most important in this bill for both the House and the Senate. For the first time since the Supreme Court, in the Buckley versus Valeo decision, we are able to constitutionally construct a process that will limit spending. Let me tell you, you cannot say that you are for campaign finance reform if you are not for a limit on spending in the House and Senate races.

We have seen an escalation in the cost of campaigns almost like the arms race, where the Soviet Union and the United States each ratcheted up a number of missiles and weapons systems pointed at each other.

In the same sense here, the arms race between opponents, whether in primaries or general elections, do not improve the quality of debate; what they end up providing for is a race for money that is often used for 30-second negative campaign commercials that add little to the political debate in our own constituencies.

The bill that we from the Committee on House Administration and this special committee on campaign finance reform, with our colleagues from the Senate, bring to the House of Representatives is one that will limit spending for the first time.

For House Members it will do several additional things. It will not only limit political action committee money and the public's concern about political action committee money is correct; their concern is that it does not dominate the political landscape; that candidates who run for office should not get two-thirds or three-quarters or all of their money from political action committees. Our bill would limit political action committees.

But those that argue that only political action committees should be limited miss the point. That is, whether you get your $1,000 or $5,000 from the Sierra Club or the chairman of the board and five members of the board of Exxon give you $1,000 each, it has the same political impact.

So, what we have done in our legislation is we have limited the amount of money you can get from wealthy individuals as well and we have allowed for small contributions to be the bulk of the campaign framework.

Now, I am very fortunate to have a district with constituents who, through the years, have been very supportive with small contributions. We had the Speaker at a political event in my district where we had 1,800 people at a pancake breakfast. It is more difficult raising your funds that way, but it is better for the political process.

I would hope that we as a country will write to the White House, write to the Congress, write to your Senator and ask them to support this legislation so that we can move the political process forward.

□ 1120

THE HOUSE REFORM TASK FORCE PROPOSAL

The SPEAKER pro tempore (Mr. ABERCROMBIE). Under a previous order of the House, the gentleman from Illinois [Mr. MICHEL] is recognized for 5 minutes.

Mr. MICHEL. Mr. Speaker, Republican Members of the House Reform Task Force introduced the following reform proposal:

MICHEL REFORM BILL—SECTION-BY-SECTION

TITLE I CHIEF FINANCIAL OFFICER, GENERAL COUNSEL, AND OTHER REFORMS

Section 101. Amendments relating to the Elections of officers of the House.

Eliminates the office of the Doorkeeper and the Postmaster.

The Sergeant-at-Arms should be a nationally respected law enforcement professional.

Section 102. Amendments relating to the duties of the Clerk.

Removes various financial responsibilities from the Clerk and gives them to the new Chief Financial Officer.

Duties of the Doorkeeper are transferred to the Clerk (announcing messengers from the President and Senate, superintend the House document room, cloakrooms of the House, telephone service, and supervise pages).

Section 103. Amendment relating to the duties of the Sergeant-at-Arms.

Removes accounts and pay responsibilities from the Sergeant-at-Arms and transfers those responsibilities to the Chief Financial Officer.

Section 104. Chief Financial Officer.

Creates the office of Chief Financial Officer. The Chief Financial Officer is elected by a two-thirds vote of the House.

Chief Financial Officer shall be responsible for reviewing and analyzing the financial operations of the House, including the efficiencies of its operations, the functions of its offices, and the cost effectiveness of its operations, and providing periodic recommendations to the Speaker and Minority Leader respecting these operations.

The Chief Financial Officer shall conduct periodic audits of the financial operations of the House, keep accounts for the pay and mileage of Members, and carry out all other financial functions and operations that were exercised by the Clerk.

The Chief Financial Officer shall superintend the post office in the Capitol (he may contract with the U.S. Postal Service to run the operations).

Section 106. Oversight Reform.

By March 1 of the first session of any Congress, each committee shall adopt and submit to the Committee on House Administration an oversight plan for that Congress.

Funding will not be provided to committees until they have submitted their oversight plans.

Section 107. Bipartisan Representation on Committee on House Administration.

Committee on House Administration would have equal representation of majority party and minority party members.

Section 108. Equality of Majority and Minority Party Representation on the Subcommittee on Legislative Appropriations.

Section 109. Task Force on Reform of the House of Representatives.

Creates a 10 member Task Force (5 Members appointed upon the recommendation of the Majority Leader and 5 appointed upon the recommendation of the Minority Leader) to propose institutional reforms necessary to restoring public confidence in the House of Representatives.

Section 110. Limitation on Reprogramming of Funds in the House.

No funds may be reprogrammed without the written approval of the Speaker and the Minority Leader.

Section 111. Limitation on Initial House of Representatives Appropriations for Fiscal Year 1993.

The Fiscal Year 1993 Legislative Branch appropriation bill for the House shall expire on March 31, 1993.

Section 112. Inspector General.

The Speaker, Majority and Minority Leaders appoint an Inspector General who shall conduct audits and investigations.

Subtitle B—Office of the General Counsel

Section 122. Accountability.

The Office shall be directly accountable to the Leadership Group composed of the Speaker, Majority Leader, Minority Leader, Majority Whip, Minority Whip, the Chairman and Ranking Minority Member of the Committee on the Judiciary, and two members appointed upon the recommendation of the majority and minority leaders.

Section 123. Purpose and Policy.

The purpose of the Office is to provide legal assistance to Members, officers, and employees of the House on matters directly related to their duties.

Section 124. Specific Approval Requirements.

The Office shall seek prior approval by resolution of the House regarding entering an appearance before any court, filing a brief in any court, or representing any member of the House in any contested matter that will result in formal legal proceedings.

The Office must seek the approval of the Leadership Group where preparation of any legal memorandum or other legal research which requires more than four hours of preparation time.

In carrying out any action where the matter affects an area of responsibility committed to another office, officer, or employee, the Office shall consult and coordinate such action with the office, officer or employee.

Section 125. General Counsel.

The General Counsel shall be appointed by the Speaker from among individuals recommended by the Majority Leader and the Minority Leader, without regard to political affiliation.

The General Counsel shall serve at the pleasure of the Leadership Group.

Section 126. Staff.

The General Counsel may employ such attorneys and other employees as may be necessary for the performance of the functions of the Office. At least one attorney in the Office shall be appointed upon the recommendation of the minority leader.

TITLE II LEGISLATIVE REFORM

Section 201. House Scheduling Reform.

Requires the Speaker to announce the legislative program for the year including target dates for consideration of specified major budgetary, authorization, and appropriation bills. The Speaker must also indicate weeks during which the House will be in session, weeks set aside for District Work Periods and the target date for adjournment.

Section 202. Treatment of Vetoed Bills.

Immediately after the receipt of a bill returned by the President, the Speaker shall state the question on the reconsideration of that bill, without intervening motion, and the House shall proceed to vote on the reconsideration of that bill.

Section 203. Multiple Referral of Legislation.

Ends joint referrals.

The Speaker must designate the committee of principal jurisdiction.

Section 204. Presentment of Bills to the President.

Sets a time certain (10 days) for bills to be presented to the President.

Section 205. Committee Ratios.

The membership of each committee, subcommittee, must reflect the ratio of majority to minority party Members of the House at the beginning of the Congress.

Section 206. Subcommittee Limits.

Each standing committee that has over 20 members may establish at least four subcommittees but not more than six.

Section 207. Proxy Voting Ban.

Eliminates proxy voting in committee and subcommittees.

Section 208. Open Meetings.

Meetings are to be open unless "because disclosure of matters to be considered would endanger national security, would tend to defame, degrade, or incriminate any person or would otherwise violate any law or rule of the House."

Section 209. Majority Quorums.

A majority of the members of each committee or subcommittee shall constitute a quorum for the transaction of any business, including the markup of legislation.

Section 210. Report Accountability.

On a roll call vote to report a bill or resolution, the names of those voting for and against, are to be included in the committee report on the measure.

Section 211. Committee Documents.

Committee documents are to either be approved by the committee or subcommittee prior to public distribution with appropriate opportunity for minority views and supplemental information, or else the document must contain a disclaimer that the document "may not necessarily reflect the views of [the committee] members."

Section 212. Same Day Consideration of Rules Committee Reports.

There must be a ⅔ vote for same calendar day consideration of Rules Committee reports, or subsequent calendar day of the same legislative day.

Section 213. Permitting Instructions in Motions to Recommit.

Prohibits any rule or order which would prevent the motion to recommit from being made as provided by clause 4 of rule XVI, including a motion with amendatory instructions.

Section 214. Restrictive Rules Limitation.

A bill could not be considered under a closed rule unless the Chairman of the Rules Committee announced on the House floor four legislative days prior that less than an open amendment process might be recommended by the Committee.

Section 215. Limitation on Self-Executing Rules.

Self-executing rules would have to be adopted by a ⅔ vote.

Section 216. Budget Waiver Limitation.

It will not be in order to consider any resolution reported from the Committee on Rules which waives any specified provision of the Budget Act unless the committee report includes an explanation of, and justification for, any such waiver, an estimated cost of the provisions to which the waiver applies.

Section 217. Committee Staffing.

Reduces committee staffing for the 103rd Congress by 50 percent.

Section 218. Commemorative Calendar.

Creates a Commemorative Calendar. Objections by two or more Members may remove the bill from the Calendar.

Section 219. Automatic Roll Call Votes.

On any appropriation bill, or other measure providing revenue, or adjusting Members pay, the yeas and nays will be considered ordered.

Section 220. Appropriation Reforms.

A continuing appropriations bill shall not exceed 30 days, shall reflect the lesser amount of the House passed, Senate passed or conference agreement or enacted for the preceding fiscal year. Such bill must contain a list of all appropriations contained in the bill for any expenditure not previously authorized by law. A ⅗ vote is required to waive the provisions of clause 2 of rule XXI against the consideration of any continuing appropriation measure.

Section 221. Reconciliation Limitation.

A reconciliation bill shall not contain provisions which are not related to achieving the purposes of the directives to the committees. Amendments which achieve greater savings than those directed of a committee shall be made in order.

Section 222. Authorization Reporting Deadline.

It will not be in order to consider any bill or joint resolution which directly or indirectly authorizes enactment of new budget authority for a fiscal year unless that bill or joint resolution is reported in the House on or before May 15.

Section 223. Pledge of Allegiance.

The second order of business shall be the pledge of allegiance.

Section 224. Suspension of the Rules.

The Chairman of the committee of jurisdiction must request the measure be considered under suspension of the rules. Any bill which authorizes over $50,000,000 in any fiscal year shall not be made in order under suspension of the rules.

Section 225. Discharge Motion.

When 100 Members have signed the motion to discharge, the Clerk must print in the Record the names of Members signing the motion.

Section 226. Inclusion of Views with Conference Reports.

Any conferee shall have three calendar days to file supplemental or minority views.

Section 227. Intelligence Committee Oath.

Each member of the Intelligence Committee shall take an oath not to disclose any classified information.

Section 228. Enhanced Rescission Authority.

The Committee on Rules and the Committee on Government Operations shall report legislation granting the President enhanced rescission authority. Such legislation shall provide that any such budget authority shall be considered to be permanently canceled unless a joint resolution disapproving such rescission is enacted within 45 calendar days.

Section 229. Biennial Budget Appropriations Process.

Committee on Rules is directed to conduct a complete and thorough study of a biennial budget and appropriation process.

Section 230. Applicability of Certain Laws to the House.

Legislation must be reported to the House to implement: the National Labor Relations Act; the Occupational Safety Act and Health Act; the Equal Pay Act of 1963; the Age Discrimination in Employment Act of 1967; Section 552 of title 5, United States Code (Freedom of Information Act); Section 552a of title 5 (Privacy Act of 1974); Title VII of the Civil Rights Act of 1964; chapter 39 of title 28 (independent counsel).

Section 231. Equitable Committee Staff Ratios.

The ratio of majority party to minority party staff positions shall reflect the ratio of majority party to minority party Members of the House.

Section 232. Elimination of Certain Select Committees.

Eliminates the Select Committees on Aging, Hunger, Narcotics and Children, Youth and Families.

Section 233. Application of Information Disclosure Requirements to Congress.

Brings Congress under the Freedom of Information Act.

Section 234. Limitation on the Duration of Payments of Expenses of Former Speakers of the House of Representatives.

Former Speakers are authorized three staff positions for no more than three years.

Section 235. Prohibition on Franked Mass Mailings by Members Outside their Congressional Districts.

Section 236. Requirement that Legislation Adjusting Pay for Members of Congress be Considered Separately.

Section 237. Legislative Branch Appropriations to be for One Year Only.

Section 238. One Attorney in the Office of the Parliamentarian to be Appointed Upon the Recommendation of the Minority Leader.

Section 239. Chairmanship of Committee on Standards of Official Conduct shall Rotate with each New Session.

Section 240. Rules of the House must be adopted by Individual Roll Call Votes.

SERVICEMEMBERS' CIVIL RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, today along with my colleagues, BOB STUMP, LANE EVANS, and MIKE BILIRAKIS, I am introducing H.R. 4763, the Servicemembers' Civil Relief Act. Building on the efforts of an internal Department of Defense task force, this legislation updates, clarifies and makes changes in the current protections provided by the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

With the successful conclusion of Operation Desert Shield/Storm, we want to again focus attention on making material changes in the current law protections provided by the Soldiers' and Sailors' Civil Relief Act of 1940. These provisions received brief attention by the Congress shortly after Operation Desert Shield/Storm. Based on that review, Congress further amended the Soldiers' and Sailors' Civil Relief Act of 1940 with enactment of Public Law 102–12.

Our Subcommittee on Oversight and Investigations, headed by the Honorable LANE EVANS and MIKE BILIRAKIS, has scheduled a hearing on the measure being introduced today. This hearing will be held on April 29, in room 340 Cannon, beginning at 8:30 a.m. We will hear from the Department of Defense, the National Military Family Association, Inc., and many other interested parties.

There follows a brief explanation of the changes in current law proposed by the Servicemembers' Civil Relief Act [SCRA]:

1. Adds definition of terms "material effect" and "dependent."

2. Clarifies that protections extend to servicemembers' business obligations.

3. Provides for a minimum 90 day stay of any civil action or proceeding upon application by servicemember.

4. Clarifies that application for stay does not deprive servicemember of any procedural or substantive defenses.

5. Requires servicemembers when applying for a stay to inform the court when the servicemember will be available to appear, and requires commanding officer to submit statement as to unavailability.

6. Requires court to appoint counsel if application for additional stay is denied.

7. Changes statute of limitations tolling provision in claims against the United States except for cause of action accruing during a period of war or armed conflict or during a period of service outside the United States. In such cases, requires servicemember to show material effect of service.

8. Clarifies that interest not collected due to six per cent interest limitation is forgiven, and defines the term "interest".

9. Provides for future increases in rental ceiling limitation; increase linked to basic allowance for quarters plus additional monthly housing allowance authorized under title 37, United States Code.

10. Clarifies the period of time an eviction proceeding can be stayed.

11. Broadens protection against termination of installment purchase contracts to include leases.

12. Broadens lease termination provisions to servicemembers who receive orders for permanent change of station or to deploy for 90 days or more.

13. Prohibition of judicial review of title IV insurance determination by DVA changed to permit review by BVA and COVA.

14. Increases amount of insurance protected under title IV; face amount increased from $10,000 to $120,000 and tied to future increase in maximum amount of SGLI.

15. Clarifies that protection of non-resident tax limitation applies to property owned jointly by servicemember and family members.

16. Clarifies that non-resident servicemember compensation shall not be considered in determining state tax liability of spouse.

17. Clarifies that attorneys in military service are covered by malpractice insurance suspension provision.

18. Clarifies that the Act applies to administrative proceedings in which servicemember rights may be affected.

19. Clarifies that protection for desert land entries and mining claims under U.S. laws will continue during any period of rehabilitation from wounds or disabilities incurred in line of duty.

FREEDOM FOR RUSSIA AND EMERGING EURASIAN DEMOCRACIES AND OPEN MARKETS SUPPORT ACT OF 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–282)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs, the Committee on Agriculture, the Committee on Banking, Finance and Urban Affairs, the Committee on the Judiciary, and the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit a legislative proposal entitled the "Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992" (the FREEDOM Support Act of 1992). Also transmitted is a section-by-section analysis of the proposed legislation.

I am sending this proposal to the Congress now for one urgent reason: With the collapse of the Soviet Union, we face an unprecedented historical opportunity to help freedom flourish in the new, independent states that have replaced the old Soviet Union. The success of democracy and open markets in these states is one of our highest foreign policy priorities. It can help ensure *our* security for years to come. And the growth of political and economic freedom in these states can also provide markets for our investors and businesses and great opportunities for friendship between our peoples.

While this is an election year, this is an issue that transcends any election. I have consulted with the congressional leadership and have heard the expressions of support from both sides of the aisle for active American leadership. I urge all Members of Congress to set aside partisan and parochial interests.

Just as Democrats and Republicans united together for over 40 years to advance the cause of freedom during the Cold War, now we need to unite together to win the peace, a democratic peace built on the solid foundations of political and economic freedom in Russia and the other independent states.

This proposal gives me the tools I need to work with the international community to help secure the post-Cold War peace. It provides a flexible framework to cope with the fast-changing and unpredictable events transforming Russia, Ukraine, Armenia, and the other states. This proposal will allow us to:

—Mobilize fully the executive branch, the Congress, and the private sector to support democracy and free markets in Russia and the other independent states of the former Soviet Union;

—Address comprehensively the military, political, and economic opportunities created by the collapse of the Soviet Union, targeting our efforts and sharing responsibilities with others in the international community; and

—Remove decisively the Cold War legislative restrictions that hamstring the Government in providing assistance and impede American companies and businesses from competing fairly in developing trade and investment with the new independent states.

Passage of this proposal will enable the United States to maintain its leadership role as we seek to integrate Russia and the other new independent states into the democratic family of nations. Without the tools this proposal provides, our policy of collective engagement will be constrained, our leadership jeopardized.

This proposal has 10 key elements:

First, this proposal provides the necessary flexibility for the United States to extend emergency humanitarian assistance to Russia and the other new independent states.

Emergency humanitarian assistance will help the peoples of the former Soviet Union to avoid disaster and to reduce the danger of a grave humanitarian emergency next winter. In this endeavor, the United States will not go it alone but will continue to work closely with the international community, a process we initiated at the Washington Coordinating Conference in January and will continue in the months ahead in regular conferences with our allies. By dividing our labors and sharing our responsibilities, we will maximize the effects of our efforts and minimize the costs.

Second, this proposal will make it easier for us to work with the Russians and others in dealing with issues of nuclear power safety and demilitarization. This proposal broadens the authority for Department of Defense monies appropriated last fall for weapons destruction and humanitarian transportation to make these funds, as well as foreign military financing funds, available for nonproliferation efforts, nuclear power safety, and demilitarization and defense conversion.

Third, technical assistance can help the Russians and others to help themselves as they build free markets. Seventy years of totalitarianism and command economics prevented the knowledge of free markets from taking a firm hold in the lands of Russia and Eurasia. By providing know-how, we can help the peoples and governments of the new independent states to build their own free market systems open to our trade and investment. It will also allow agencies authorized to conduct activities in Eastern Europe under the "Support for East European Democracy (SEED) Act of 1989" to conduct comparable but separate activities in the independent states of the former Soviet Union. Through organizations such as a Eurasia Foundation, we will be able to support a wide range of technical assistance efforts.

Fourth, this proposal will allow us to significantly expand our technical assistance programs that facilitate democratization in the new states, including our expanding rule of law program. It will authorize support for programs such as "America Houses." It also provides support for expanded military-to-military programs with Russia and the other new independent states to cultivate a proper role for the military in a democratic society.

Fifth, this proposal provides a clear expression of bipartisan support to continue to extend Commodity Credit Corporation credit guarantees to Russia and the other new independent states in light of the progress they are making toward free markets. As they overcome their financial difficulties, we should take into account their commitment to economic freedom in providing credit guarantees that will help feed their peoples while helping American farmers.

Sixth, for American business, this proposal expands authority for credit and investment guarantee programs such as those conducted by the Overseas Private Investment Corporation (OPIC) and the Export-Import Bank. It will allow us to waive statutory ceilings on credit guarantee programs of the Export-Import Bank Act and other agencies that applied to the Soviet Union and the restrictions of the Johnson Debt Default Act on private lending. In this way, it will expand U.S. exports to and investment in Russia and the other new independent states.

Seventh, this bill will facilitate the development of the private sector in the former Soviet Union. This bill removes Cold War impediments while promoting outside investment and enhanced trade. It will also allow waiver of restrictions on imports from the independent states of the former Soviet Union beyond those applied to other friendly countries. It will support efforts to further ease Coordinating Committee (COCOM) restrictions on high technology. The bill will also allow the establishment of Enterprise Funds and a capital increase for the International Financial Corporation.

Eighth, this proposal will allow the United States to work multilaterally with other nations and the international financial institutions toward macroeconomic stabilization. At the end of World War II, the United States stood alone in helping the nations of Western Europe recover from the devastation of the war. Now, after the Cold War, we have the institutions in place—the International Monetary Fund (IMF) and the World Bank—that can play a leading role in supporting economic reform in Russia and Eurasia.

Therefore, this proposal endorses an increase in the IMF quota for the United States. This will help position the IMF to support fully a program of macroeconomic stabilization. I request the Congress to pass both the authorization and appropriations necessary for this purpose.

Ninth, this proposal endorses a significant U.S. contribution to a multilateral currency stabilization fund. Working with the international financial institutions and the other members of the G–7, we are putting together a stabilization fund that will support economic reform in Russia and the other independent states.

Tenth, this proposal provides for an expanded American presence in Russia and the other new independent states, facilitating both government-to-government relations and opportunities for American business. Through organizations such as the Peace Corps and the Citizens Democracy Corps, we will be able to put a large number of American advisors on the ground in the former Soviet Union.

In sending this authorization legislation to the Congress, I also request concurrent action to provide the appropriations necessary to make these authorizations a reality. In order to support fully multilateral efforts at macroeconomic stabilization, I urge the Congress to move quickly to fulfill the commitment of the United States to the IMF quota increase. And I urge prompt enactment of the appropriations requests for the former Soviet Union contained in the Fiscal Years 1992 and 1993 Budget requests presently before the Congress.

I call upon the Congress to show the American people that in our democratic system, both parties can set aside their political differences to meet this historic challenge and to join together to do what is right.

On this occasion, there should be only one interest that drives us forward: America's national interest.

GEORGE BUSH.

THE WHITE HOUSE, *April 3, 1992.*

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. THOMAS of Wyoming) to revise and extend their remarks and include extraneous material:)

Mr. THOMAS of Wyoming, for 5 minutes, today.

Mr. THOMAS of California, for 5 minutes, today.

Mr. WALSH, for 5 minutes, today.

Mr. KYL, for 15 minutes, on April 7.

Mr. MICHEL, for 5 minutes, today.

(The following Members (at the request of Mr. GEJDENSON) to revise and extend their remarks and include extraneous material:)

Mr. GEJDENSON, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of Utah, for 60 minutes, each day on April 7 and 8.

Mr. POSHARD, for 60 minutes, on April 8.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Member (at the request of Mr. THOMAS of Wyoming) and to include extraneous matter:)

Mr. WALSH.

(The following Members (at the request of Mr. GEJDENSON) and to include extraneous matter:)

Mr. ASPIN.
Mr. OWENS of Utah in 2 instances.

ADJOURNMENT

Mr. GEJDENSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 22 minutes a.m.), under its previous order, the House adjourned until Tuesday, April 7, 1992, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3242. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting a report of activities under the Freedom of Information Act for calendar year 1991, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3243. A letter from the Secretary, Department of Health and Human Services, transmitting the annual report on Indian Health Service Tribal contract costs, pursuant to Public Law 100-472, section 205 (102 Stat. 2293); to the Committee on Interior and Insular Affairs.

3244. A letter from the Senior Vice President, Tennessee Valley Authority, transmitting the statistical summaries as part of the TVA's annual report, covering the period beginning October 1, 1990, to September 30, 1991, pursuant to 16 U.S.C. 831h(a); to the Committee on Public Works and Transportation.

3245. A letter from the Board of Trustees, transmitting the 1992 annual report of the Boards of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, pursuant to section 709 of the Social Security Act; to the Committee on Ways and Means.

3246. A letter from the Board of Trustees of the Federal Hospital Insurance Trust Fund, transmitting the 1992 annual report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to 42 U.S.C. 1395i(b) (H. Doc. No. 102-280); to the Committee on Ways and Means and ordered to be printed.

3247. A letter from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Fund, transmitting the 1992 annual report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2) (H. Doc. No. 102-279); to the Committee on Ways and Means and ordered to be printed.

3248. A letter from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, transmitting the 1992 annual report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 1395t(b)(2) (H. Doc. No. 102-281); jointly, to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROSE: Committee of Conference. Conference Report on S. 3. (Rept. 102-479). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MONTGOMERY (for himself, Mr. STUMP, Mr. EVANS, and Mr. BILIRAKIS):

H.R. 4763. A bill to restate and clarify the Soldiers' and Sailors' Civil Relief Act of 1940; to the Committee on Veterans' Affairs.

By Mr. DE LA GARZA, (for himself, Mr. PANETTA, Mr. COLEMAN of Missouri, Mr. MORRISON, Mr. STENHOLM, Mr. ROBERTS, Mr. STALLINGS, Mr. JONES of North Carolina, Mr. JONTZ, Mr. HUCKABY, Mr. TALLON, Mr. LEHMAN of California, Mr. FASCELL, Mr. FAZIO, Mr. HATCHER, Mr. VOLKMER, Mr. GUNDERSON, Mr. LEWIS of Florida, Mr. LAGOMARSINO, Mr. BRUCE, Mr. HORTON, Mr. MCDADE, Mr. IRELAND, Mr. MATSUI, Mr. LEWIS of California, Mr. DAVIS, Mr. BEREUTER, Mr. EMERSON, Mr. HERGER, Mr. SPRATT, Mr. CHANDLER, Mr. SMITH of Oregon, Mr. GEKAS, Mr. HENRY, Mr. HOUGHTON, Mr. RAVENEL, Mr. HOLLOWAY, Mr. SARPALIUS, Mr. CONDIT, Mr. CAMPBELL of Colorado, Mr. WALSH, Mr. STEARNS, Mr. LAROCCO, Mr. DOOLEY, Mr. KOPETSKI, Mr. BACCHUS, Mr. EWING, Mr. ALLARD, Mr. DOOLITTLE, Mr. BOEHNER, Mr. BARRETT, Mr. CAMP, Mr. MARLENEE, Mr. SHAW, and Mr. MONTGOMERY):

H.R. 4764. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act with respect to minor use of pesticides; to the Committee on Agriculture.

By Mr. GONZALEZ:

H.R. 4765. A bill to provide additional funding for, and reduce the costs associated with, the Resolution Trust Corporation, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BEREUTER:

H.R. 4766. A bill to consolidate the programs for Indian housing and community development assistance to provide for an effective national program for the delivery of such assistance, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

H.R. 4767. A bill to amend 502(h) of the Housing Act of 1949 to increase the maximum income limitation for borrowers of loans guaranteed under the Rural Housing Loan Guarantee Program; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. COLLINS of Illinois:

H.R. 4768. A bill to amend the Airport and Airway Improvement Act of 1982 relating to the Disadvantaged Business Enterprise Program; to the Committee on Public Works and Transportation.

By Mr. HANSEN:

H.R. 4769. A bill to exchange lands within the State of Utah, between the State of Utah and the Bureau of Land Management, the National Park Service, the Navajo Nation, and the Goshute Indian Tribe; to the Committee on Interior and Insular Affairs.

H.R. 4770. A bill to exchange lands within the State of Utah, between the State of Utah and the Bureau of Land Management, and the National Forest Service; to the Committee on Interior and Insular Affairs.

By Mr. LAUGHLIN:

H.R. 4771. A bill to designate the facility of the U.S. Postal Service being constructed at FM 1098 Loop in Prairie View, TX, as the "Esel D. Bell Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. WISE (for himself, Mr. COSTELLO, Mr. REGULA, and Mr. SYNAR):

H.R. 4772. A bill to establish a research and demonstration program to promote cofiring of natural gas and coal in certain boilers; to the Committee on Science, Space, and Technology.

By Mr. WYDEN (for himself and Mr. LENT):

H.R. 4773. A bill to provide for reporting of pregnancy success rates of assisted reproductive technology programs and for the certification of embryo laboratories; to the Committee on Energy and Commerce.

By Mr. OWENS of Utah (for himself, Mr. MILLER of California, Mr. VENTO, Mr. RAHALL, Mr. KOSTMAYER, Mr. LEHMAN of California, Mr. DEFAZIO, Mr. MCDERMOTT, Mr. OWENS of New York, Mr. STARK, Mr. COSTELLO, Mr. PETERSON of Minnesota, Mr. POSHARD, Mr. TOWNS, Mr. BEILENSON, Mrs. BOXER, Mr. MRAZEK, Mr. KILDEE, Mr. GILCHREST, Mr. MACHTLEY, and Mr. ACKERMAN):

H.J. Res. 460. Joint resolution calling for the Secretary of the Interior, in cooperation with the Secretary of State, to enter into agreements with Canada to protect the Alsek and Tatshenshini Rivers, for the Secretary of the Interior to ensure that Glacier Bay National Park and Preserve is not degraded by potential mine developments in Canada, and for other purposes; jointly, to the Committees on Foreign Affairs and Interior and Insular Affairs.

By Mr. OWENS of Utah (for himself and Mr. BILIRAKIS):

H. Con. Res. 304. Concurrent resolution expressing the sense of the Congress that access to health care is a fundamental right of every person in the United States; to the Committee on Energy and Commerce.

By Mr. MICHEL (for himself, Mr. SOLOMON, Mr. LEWIS of California, Mr. WALKER, Mr. LIVINGSTON, Mr. RIDGE, Mr. HENRY, and Mr. BARRETT):

H. Res. 419. Resolution amending the Rules of the House of Representatives to provide for a chief financial officer for the House, and for other purposes; jointly, to the Committees on Rules, House Administration, Government Operations, and Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII,

359. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to the cable television industry; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. CAMPBELL of California.

H.R. 53: Mr. FORD of Michigan, Mrs. JOHNSON of Connecticut, Mr. GUNDERSON, Mr. LIVINGSTON, Ms. MOLINARI, Mr. GEJDENSON, Mr. SUNDQUIST, and Mr. PASTOR.

H.R. 382: Mr. CAMPBELL of California and Ms. HORN.

H.R. 393: Ms. MOLINARI.

H.R. 576: Mr. EWING, Mr. HOCHBRUECKNER, Mr. VANDER JAGT, Mr. DELLUMS, Mr. HERGER, Mr. SKEEN, Mr. WILSON, Mr. MURPHY, Mrs. BOXER, Mr. FORD of Tennessee, and Mr. NEAL of Massachusetts.

H.R. 755: Ms. NORTON.

H.R. 814: Mr. MCMILLEN of Maryland.

H.R. 1300: Mr. PALLONE.

H.R. 1468: Mr. JACOBS and Mr. ZELIFF.

H.R. 1500: Mr. JEFFERSON, Mr. ERDREICH, Mr. CAMPBELL of California, Mr. MORAN, and Mr. SANDERS.

H.R. 2210: Mr. RANGEL.

H.R. 2385: Mr. HOYER.

H.R. 2410: Mr. RANGEL, Mr. JENKINS, and Mr. SLATTERY.

H.R. 2448: Mr. HAMMERSCHMIDT.

H.R. 2755: Mr. KENNEDY.

H.R. 3058: Mr. HATCHER, Mr. TALLON, Mr. GILLMOR, and Mr. DICKINSON.

H.R. 3059: Mr. HATCHER and Mr. GILLMOR.

H.R. 3141: Mr. ENGEL.

H.R. 3204: Mr. CARDIN, Mr. CRAMER, Mr. DELLUMS, Mr. EDWARDS of Texas, Mr. JEFFERSON, Mr. LEVIN of Michigan, Mrs. MORELLA, and Mr. RHODES.

H.R. 3253: Mr. CARDIN, Mr. SANDERS, and Mr. PALLONE.

H.R. 3473: Ms. KAPTUR.

H.R. 3516: Mr. MILLER of Ohio.

H.R. 3555: Mr. BILIRAKIS.

H.R. 3681: Mr. MAVROULES, Mr. HAYES of Illinois, Mrs. KENNELLY, and Mr. FALEOMAVAEGA.

H.R. 3725: Mr. OWENS of Utah, Mr. JONTZ, Mr. ATKINS, and Mr. ALLEN.

H.R. 3783: Mr. MCMILLAN of North Carolina.

H.R. 3806: Mr. RAY, Mrs. MINK, Mr. JONES of North Carolina. and Mr. HUTTO.

H.R. 3843: Mr. LEWIS of Florida, Mr. GALLO, and Mr. HYDE.

H.R. 3943: Mr. WEISS, Mr. BOEHLERT, Mr. RAHALL, Mr. BROWDER, Mr. JONTZ, Mr. COBLE, Mr. RAVENEL, Mr. ANDREWS of Texas, Mr. MATSUI, and Mr. OWENS of Utah.

H.R. 3955: Mr. HAMILTON.

H.R. 4013: Mr. ANDREWS of New Jersey and Mr. OBERSTAR.

H.R. 4076: Mr. BRYANT, Mr. FROST, Mr. LIPINSKI, and Mr. TOWNS.

H.R. 4100: Mr. SANGMEISTER.

H.R. 4104: Mr. BENNETT, Mr. KOSTMAYER, Mr. OLIN, Mr. REED, and Mr. QUILLEN.

H.R. 4182: Mr. BENNETT.

H.R. 4230: Mr. LIPINSKI.

H.R. 4272: Mr. GEKAS.

H.R. 4361: Mrs. MINK, Mr. WOLPE, Mr. RAHALL, Mr. TOWNS, and Mr. FOGLIETTA.

H.R. 4372: Ms. HORN and Mr. GAYDOS.

H.R. 4396: Mr. JONES of North Carolina, Mr. HYDE, Mr. STUMP, Mr. DANNEMEYER, Mr. GINGRICH, Mr. TAYLOR of Mississippi, Mr. SHAW, Mr. DICKINSON, Mr. LOWERY of California, Mr. SENSENBRENNER, Mr. HUNTER, Mr. BURTON of Indiana, Mr. MARTINEZ, Mr. POSHARD, Mr. BOEHNER, Mr. ALLEN, Mr. DORNAN of California, and Mr. SOLOMON.

H.R. 4399: Mr. PORTER, Mr. STARK, and Mr. WOLPE.

H.R. 4419: Mr. GOSS, Mr. MCMILLEN of Maryland, Mr. ROE, Mr. SANGMEISTER, Mr. LIPINSKI, and Mr. ANTHONY.

H.R. 4430: Mr. ZELIFF and Mr. KOLBE.

H.R. 4565: Mr. ZELIFF.

H.R. 4571: Mr. STOKES, Mr. YATES, Mr. BLACKWELL, Ms. NORTON, Mr. WISE, Mr. SCHEUER, Mrs. PATTERSON, Mr. JONTZ, and Mr. MCCLOSKEY.

H.J. Res. 371: Mr. BORSKI, Mr. CLINGER, Mr. CONYERS, Mr. GORDON, Mr. JOHNSON of Texas, Mr. KANJORSKI, Mr. MCNULTY, and Mrs. MORELLA.

H.J. Res. 388: Mr. HOYER, Mr. YATRON, Mr. MONTGOMERY, Mr. BATEMAN, Mr. DIXON, Mr. DE LA GARZA, Mr. OBERSTAR, Mr. BILIRAKIS, Mr. SPRATT, Mr. VOLKMER, Mr. BLILEY, Mr. DE LUGO, and Mr. STAGGERS.

H.J. Res. 396: Mr. LEWIS of Georgia and Mr. MORRISON.

H.J. Res. 399: Mr. RANGEL.

H.J. Res. 411: Mrs. BENTLEY, Mr. BILBRAY, Mr. BILIRAKIS, and Mr. BLACKWELL.

H.J. Res. 422: Mr. WEISS, Ms. NORTON, Mr. CALLAHAN, Mr. RINALDO, Mr. FASCELL, Mr. WEBER, Mr. FRANK of Massachusetts, Mr. RICHARDSON, Ms. SNOWE, Mr. GALLO, Mr. HOCHBRUECKNER, Mr. COUGHLIN, Mr. ROE, Mr. BENNETT, Mr. SMITH of New Jersey, Mr. MOAKLEY, Mr. DICKINSON, Mr. ESPY, Mr. GORDON, and Mr. SAXTON.

H. Con. Res. 297: Mr. BROOMFIELD, Mr. MACHTLEY, Mr. KLUG, Mrs. MORELLA, Mr. HOCHBRUECKNER, Mr. ROE, Ms. MOLINARI, Mr. WOLPE, Mr. HUGHES, Mr. SCHEUER, Mr. BATEMAN, Mrs. LOWEY of New York, Mr. TOWNS, Mrs. BOXER, Mr. WEISS, Mr. MCGRATH, Mr. HOUGHTON, Mr. MILLER of Washington, Mr. NEAL of Massachusetts, and Mr. SHAW.

H. Res. 321: Mr. KENNEDY and Mr. DREIER of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2368: Mr. THOMAS of Wyoming.

EXTENSIONS OF REMARKS

MINOR CROP PROTECTION ASSISTANCE ACT OF 1992

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. de la GARZA. Mr. Speaker, today I am joined by more than 50 of our colleagues in introducing the Minor Crop Protection Assistance Act. This legislation is needed to ensure that minor crop growers continue to have access to those safe and effective crop protection chemicals they need.

Minor crops are fruits, vegetables, and other crops which are produced on less than 300,000 acres each a year. While these crops account for less than 2 percent of all the acreage planted in the United States annually, minor crops are not insignificant. So-called minor crops are a major contributor to the agricultural economy of many States and, more importantly, they are a major and vital part of the human diet.

Developing and registering pesticides for crop protection can be expensive. A complete data set—the information on the safety of the product, and its possible effect on consumers, workers and the environment—can cost millions of dollars to prepare. Residue data alone for a crop can cost more than $100,000.

Pesticide manufacturers are shying away from investing in the research and development of products that are intended for use on minor crops because of their limited market.

Nor is this problem always limited to the minor crops. It is also happening to some pesticides intended for use on major crops—such as wheat, corn, soybeans, and cotton—where a pest problem is not widespread and the potential market for the product is relatively small.

Reregistering a product that is currently registered for use on minor crops is also costly. The 1988 amendments to the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA] require EPA to initiate a process to update the registrations of pesticides that had been registered prior to November 1, 1984. As a result of this process, registrants must update the data supporting their registrations, and, where this information is lacking, perform new studies or gather new data to fill the data gaps.

When companies weigh the costs of developing this new data versus the potential profits from minor crop pesticide sales, some are deciding to voluntarily cancel the registration rather than seek renewal.

Mr. Speaker, minor crop pesticides are important to agricultural production in all 50 States. These pest management tools are particularly vital to the continued production of fruits and vegetables. Often overlooked is the fact that minor crop pesticides are critical components of many integrated pest management [IPM] systems currently in place to control agricultural pests in an environmentally prudent manner.

The legislation we have introduced will help maintain minor use pesticide registrations. Just as important, our bill will do so in a way that does not comprise the health and safety standards for farm workers, consumers, and the environment that are currently in place under FIFRA.

Our proposal is designed to provide a number of options to EPA for registering existing pesticides and promoting new minor use registrations. These options include:

Waive certain data requirements if the pesticide's use does not present an unreasonable risk to human health or the environment;

Grant extensions for developing data in certain cases;

Require the expedited review of applications for registration for minor uses; and

Use of data from an identical or substantially similar pesticide whose registration has been allowed to lapse for economic reasons.

In no instance would these mechanisms be allowed to be used if EPA's Administrator has determined that the pesticide poses an unreasonable adverse risk to human health or the environment, or where the missing data are essential for making such a determination.

The Congressional Research Service, at my request, reviewed this bill's impact on current safety standards. They have concurred that existing health and safety standards under FIFRA would not be compromised by this bill.

Members of the House should be aware that the Committee on Agriculture is preparing to grapple with the difficult issues associated with pesticide regulation and use. Our Subcommittee on Department Operations, Research, and Foreign Agriculture, under the able leadership of Subcommittee Chairman CHARLIE ROSE, has held extensive hearings on the subject and is preparing for subcommittee markup.

The legislation I have introduced addresses an important issue in this debate. However, I recognize that other improvements in the regulation and use of pesticides, particularly for minor crops, are needed.

For example, USDA's handling of pesticide issues, including the Department's pesticide data collection efforts, need improvement. In addition, USDA has been slow to develop and implement the recordkeeping provisions of the 1990 farm bill as they pertain to restricted-use pesticides.

According to the findings of a GAO study I requested, the Department's IR–4 Program management needs improvement. IR–4 can be a useful tool in securing and maintaining pesticide registrations for minor crop uses. Unfortunately, the IR–4 program has suffered from a lack of resources and leadership to date.

USDA also needs to establish a more effective system for providing advance warning to producers of changes in the availability of pest control chemicals due to registration decisions by EPA and pesticide registrants. In addition, USDA has been slow to investigate and identify alternative pest control strategies which place less reliance on chemical approaches such as IPM strategies. This situation must change. Finally, measures must be found to accelerate EPA registration of biological pest control agents and to promote the development of safer pesticides.

I look forward to working with Mr. ROSE and the other members of the committee in addressing these and other pesticide issues this year.

Mr. Speaker, I want to thank the Minor Crop Farmers Alliance and their many members from the ranks of individual agricultural producers, their commodity organizations, and other farm groups for their help and support in drafting this important legislation.

A summary of the provisions of the Minor Crop Protection Assistance Act follows:

SECTION-BY-SECTION SUMMARY OF MINOR CROP PROTECTION ASSISTANCE ACT OF 1992

Section 1 and 2. Short Title and Findings.—Provides a short title and findings.

Section 3. Minor Use.—Defines the term "minor use" as the use of a pesticide on a total of fewer than 300,000 acres or a use that does not provide sufficient economic incentive to support registration, if the use has not been determined to pose an unreasonable risk to human health or the environment.

Section 4. Minor Use Waiver.—Allows the EPA Administrator to waive certain data requirements for a minor use only if the Administrator determines that the minor use does not present an unreasonable risk to human health or the environment.

Section 5. Exclusive Data Use.—Provides 10 years of protection for registration data, submitted after the date of enactment of this bill, that relates solely to the registration of a minor use.

Section 6. Expediting Minor Use Registrations.—Requires the Administrator to complete the review of applications for registrations of certain minor uses within 6 months. Also, preserves the full time period for submitting data if a data waiver that is submitted in good faith is denied.

Section 7. Time Extensions for Development of Minor Use Data.—Authorizes the Administrator to extend the deadlines by 4 years for the submission of data to support a minor use registration if adequate data has been or is being submitted to support other uses of the pesticide and if the registrant submits a satisfactory data production schedule. However, the Administrator is prohibited from extending the deadline if the Administrator determines that the minor use may pose unreasonable adverse effects during the extension period or that available data is insufficient to determine the risk associated with such minor use.

Section 8. Conditional Registration for Minor Uses.—Directs the Administrator to provide conditional amendments to pesticide registrations to permit additional minor uses of certain pesticides, provided such uses do not significantly increase any risks associated with the pesticide.

Section 9. Temporary Extension of Registration for Unsupported Minor Uses.—Temporarily prohibits the Administrator from taking any action with regard to an unsupported minor use of a pesticide until the final deadline for submitting data with respect to other uses of the pesticides that the registrant is supporting (and providing data for).

Section 10. Utilization of Data for Voluntarily Canceled Chemicals.—Allows EPA to utilize data from an identical or substantially similar pesticide that has been voluntarily cancelled for economic reasons within 2 years to support the registration of an identical or substantially similar minor use.

Section 11. Environmental Protection Agency Minor Use Program.—Directs EPA to establish a minor use program within the Office of Pesticides Programs to coordinate minor use issues.

Section 12. Department of Agriculture Minor Use Program.—Directs USDA to coordinate its responsibilities by establishing a minor use program. Also, authorizes the establishment of a minor use matching fund to help ensure the continued availability of minor use chemicals.

INTRODUCING A BILL TO PROTECT THE TATSHENSHINI AND ALSEK RIVERS

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. OWENS of Utah. Mr. Speaker, I am introducing a bill today to focus our attention on a threat to one of the most spectacular and pristine areas on Earth. Geddes Resources, Ltd., of Toronto, is proposing one of the biggest open pit copper mines in North America in British Columbia, just 15 miles from the United States border and Glacier Bay National Park, in one of the wildest areas on Earth. Besides desecration of 100 miles of road and a dozen major bridges across the river and streams, drainage from the mine will flow downstream into the United States and Glacier Bay National Park. Protecting the Tatshenshini and the Alsek from this improper development will also mean protecting Glacier Bay National Park on the U.S. side of the border from environmental damage, and even possible ecological catastrophe, with a 360-foot-high earthen dam holding back a 4-mile lake of toxic waste water in one of the world's most seismically active zones, with some of the most productive fisheries in Alaska directly downstream.

My bill will put a spotlight on a situation that has not yet received enough attention. It will require that the United States pursue negotiations on several fronts with the Canadian Government to protect the resource. The bill calls on the Secretary of the Interior to negotiate with the Canadian Government to protect the resources of the region, and requires a study by the National Park Service of the potential impacts of the Windy Craggy Mine. It also calls on the Secretary of State to work with Canada to refer this proposed development to the International Joint Commission which will take a comprehensive look at the potential adverse environmental and social impacts of the mine. Finally, the bill calls for the United States to seek the cooperation of Canada to obtain world heritage site status for this remarkable area.

There is significant opposition to the Geddes project in Canada, both at the provincial and national level, and this resolution can serve as a rallying point for action in both our countries.

We are building a strong coalition of diverse interests against this misguided proposal, uniting economic, recreational, esthetic, and ethical interests, including the United Fisherman of Alaska, Yak-Tat Kwann Native Corp., the United States National Park Service, and the environmental community of the United States and Canada, Tatshenshini International is made up of over 50 groups, with over 5 million members.

Although the mine site is in Canada, the United States Government has vital interests to protect: Glacier Bay National Park, and the fisheries at the mouth of the Alsek River. Damage to the fisheries would devastate local economies and the subsistence culture of native Americans. Working through both the Interior and the Foreign Affairs Committee, we will negotiate with Canada to protect this resource, and we will bring a focus to the mine project before it is too late to stop it.

The Tatshenshini and the Alsek are among the most spectacular and pristine rivers on earth, nominated for world heritage status, and singled out by the International Union for the Conservation of Nature for the quality of their environment. This is one of the great river trips in the world and a great recreational resource, in large part because of its wildness and solitude. The scenery on the Tatshenshini and the Alsek is astounding. It is one of the premiere, irreplaceable wild places on Earth, teeming with unmolested wildlife, including brown bears and wolves. There is no sign of man for 2 weeks on the river, except for one abandoned cabin. And, 20 miles from the coast, is Alsek Bay, one of the single most spectacular places on Earth, with immense glaciers calving into the iceberg filled Alsek River.

This river system, with its surrounding 15,000-foot mountains and dozens of glaciers, is a true temple of rock and ice, unique in all the world. Unless we act, this land and its fish and wildlife will be irrevocably scarred by this development. A mine on this colossal scale will pollute water in the rivers and streams, and bring more than 100 miles of road and bridges into one of the least disturbed areas on Earth.

This is perhaps the most spectacular, and threatened, river system on Earth, and it will be prominently featured on American Rivers annual list of most endangered rivers next week. This legislation already has the support of GEORGE MILLER, the chairman of the Interior Committee, as well as every subcommittee chair. I understand that Senator GORE will introduce a companion resolution shortly in the Senate.

As rich as this area admittedly is in mineral resources, it is rich in other resources as well, resources that should never be put at risk. There are some values simply too price less to put up for sale.

ESSAYS BY AMERICAN INDIANS

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. FALEOMAVAEGA. Mr. Speaker, through Public Law 102–188 (S.J. Res. 217, H.J. Res. 342), Congress and the President designated 1992 as the Year of the American Indian. This law pays tribute to the people who first inhabited the land now known as the continental United States. Although only symbolic, this gesture is important because it shows there is sympathy in the eyes of the majority of both Houses of the Congress for those Indian issues which we as a Congress have been struggling with for over 200 years.

In support of the Year of the American Indian, and as part of my ongoing series this year, I am providing for the consideration of my colleagues two essays written by American Indians and published by the Falmouth Institute in its March 1992 edition of the "American Indian Report." These essays are part of a series being published by the Falmouth Institute this year.

[From American Indian Report, Mar. 1992]

"'Once begun, the tide of change, precipitated by Columbus' arrival, has forever impacted the native people of this country.' Native American history, since Columbus, is laden with acts of destruction, displacement and deprivation. Despite this oppression, American Indian peoples have continued to endure and are experiencing a social and cultural resurgence which itself should be celebrated."

The Falmouth Institute asked a selected group of educators, tribal administrators, students, attorneys, social workers and business owners to reflect on the above quotation and write and essay on what the lst 500 years have meant to the original inhabitants of this land.

Each month the American Indian Report is featuring those essays written by Native Americans from all walks of life.

500 YEARS SINCE COLUMBUS

(By Pamela G. Mendoza-Reece)

It has only been 500 years since that momentous event of the landing of Columbus. Within that time a race of people has almost reached extinction, as have the once numerous buffalo.

We have been exploited, degraded and disregarded as mere insignificant creatures. Nothing to be concerned about.

We have also allowed ourselves to become the stereotype that the white man has labeled us as: lazy, alcoholic, unintelligent and worthless people.

We have not assimilated into this nation that was once ours as we should have. Now we have become social outcasts, pushed to the side as if we were non-existent or as if we can be forgotten.

In order to continue to exist, we must all learn to take the knowledge and technology that is available and use it to our benefit. We must make a place for our children whose future greatly depends on our struggle to survive in this society.

We must release ourselves from the outside controls that so many of our brothers and sisters fall into and use that energy towards a positive life before it is too late.

I am a proud Nez Perce Native American. I am learning about my culture and regain-

ing a pride that was almost lost. I broke away from the degradation, humiliation and alcoholism that has plagued my family. I remember the short lives of many of my family members that were brought to the point of not caring, addiction, loss of self-pride and then self-destruction.

Who will cry and remember us? Or will there be anyone left?

Ne mee Poo Nez Perce

(The author is a student at the Seattle Indian Center in Seattle, Wash.)

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500 YEARS SINCE COLUMBUS

(By William W. Miller, Jr.)

The cockroach is truly a relative of ours. It has been exposed to many different kinds of adversity, but it still lives on.

We, the aboriginal people of these two continents, still have our fair share of adversaries (including our own people), but we have our spiritual beliefs handed down since the beginning of time. We will depend on these spiritual beliefs to carry us and our generations to come for thousands of years, provided non-natives will heed our ancient beliefs and preserve this earth.

Many diseases have been brought to us, but we're still here. Some of these non-natives were bright enough to utilize some of our spiritual ways to combat diseases like alcoholism. Alcoholics Anonymous uses the spiritual beliefs of native people.

Democracy is now being put in the hands of people across the pond, but we formulated it first. Some people use the term "family unit," but we already know about it because we are all related: every tribe, every plant, the sky, the water, the rocks * * * the whole environment.

The Bureau of Indian Affairs tried to divide and conquer, but we are still here.

Many of our ancestors have given their last full measure of devotion—the Revolutionary War, Civil War, World War I, World War II, the Korean War and Vietnam—for us to get this far. Now it is our turn, what are we willing to do?

It's time for our people to make a change. When our children, from preschool on up, sit with computers on one hand and the grandparents' knowledge on the other, then we can look forward to changes. Our sacrifices and prayers for a thousand years down the "Red Path" will come to pass with peace and harmony.

Columbus made a fatal mistake. I hope his relatives and followers don't do the same. These sickly immigrants failed to see the real nature of our people. After our people nourished them back to health, they forgot. They should have assimilated, but our people don't impose their will on others because we believe their spirit is strong also.

Our spirit is strong today, 500 years after Columbus, because we have been able to maintain our culture. Some of our people still worship in places in the Black Hills and the Badlands.

We have enough spiritual strength to hold this earth together. Some of us want to share this power with our non-native brothers and sisters.

Are they in a position to learn?

Will they pass these messages on without the exchange of money?

Are they willing to honor the treaties?

(The author is a member of the Cheyenne River Sioux Tribe.)

CONSTITUENT WRITES LETTER TO PRESIDENT BUSH

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. WALSH. Mr. Speaker, last November one of my constituents, Mr. Frank DeBritz, wrote an excellent letter to the President regarding his approach to our domestic problems. I received a copy of this correspondence recently and after reading the content, felt it should be placed in the CONGRESSIONAL RECORD for others to read. The letter reads as follows:

MANLIUS, NY,
November 7, 1991.

DEAR PRESIDENT BUSH: I have been impressed by your leadership and stewardship and have not regretted having voted for you. I do believe, however, that your efforts in the foreign policy arena are not matched by your domestic agenda. In the final analysis, this will be the important issue in 1992. I feel that you badly need a comprehensive domestic program which shows creativity and vision and which will captivate the minds of the people. This program can't depend on the Russian bogeymen or any external threat but must address fundamental issues and adverse trends within our own borders, within our collective psyche which have been at work for longer than your administration. Since I believe that another four years of your administration will be beneficial for the country, I am writing this somewhat lengthy treatise to be constructively helpful in achieving that end.

First, let me deal with a fundamental gut issue, jobs. America has been exporting manufacturing jobs abroad for almost two decades and replacing them with service jobs. These service jobs are generally low paying and provide relatively little incentive to move away from public assistance for those on the low end of the scale. Consequently, the mobility which has fueled America's energy for generations has become much more difficult and this fact is disenfranchising a growing percentage of the population. If a large minority of our population feels it cannot move to a better socio-economic position in its lifetime or that of its children, it will either give up or go outside the law. Either one of these outcomes tends to destabilize a Democracy. Moreover, a country which increasingly relies on others for their fundamental goods and increasingly becomes a service economy tends to be subservient in the limit. Our economy was in stagnation when President Reagan was elected. It was revitalized primarily by a large defense build-up and modernization program. Now that we have won the cold war and are reducing this budget drastically our economy is sputtering. I believe that we as a nation don't realize how greatly our economy depends on the defense industry. Its no accident that the balance of payments always goes more negative at this time of year than expected since most things that the vast majority of the people buy at Christmastime are no longer made in the USA. It's time to realize that while seizing the peace, we also need a new thrust into products and programs that people will use and that we can manufacture here. This manufacture must be accompanied by a new set of training programs that force a broader profile of the people into the work place.

JOB FORMATION

At the heart of the job formation issue is the reduction of relatively unskilled good paying jobs. This trend combined with the high cost of a college education portends an economic polarization of our society. To combat this a new 50 billion, ten year program should be announced. This program will involve the construction of a new transportation system for six megacenters. I suggest that centers might be as follows: 1) New York, 2) Greater Boston, 3) (Philadelphia, Washington, Baltimore), 4) Los Angeles, 5) Chicago and 6) New Orleans. The vehicle for letting contracts to specify, design and construct these systems would be a NASA like organization. Qualifiers for such contracts should be consortia of aerospace, transportation and construction companies. This program would be kicked-off in FY '93 and be funded by the reduction of the defense budget. The solution systems will have quantitative measures of performance to decrease energy requirements, pollution and user costs. Firms winning these contracts will be competitors for the commercial operation of the systems for the first 10 years of operation.

Further, we must drive our country to less energy dependency on foreign suppliers. The governing principle, here, is that as long as the sun shines there is no energy shortage just difficulty in its means of delivery. Along these lines a new solar energy conversion program should be announced. Again consortia of energy companies, aerospace companies and construction companies should be encouraged to compete for solar energy conversion facilities. Five sites should be designated. I suggest the following for priority Dallas-Forth Worth, San Diego, Phoenix, Miami and Albuquerque. The five year goal shall be to provide 80% of the electric power for those areas by direct solar conversion. Again the companies which provide the systems would qualify to provide the energy for the next 10 years to the region. An approximate cost for this project would be 25 billion, over ten-year period. The goal would be to create at least one fully operational site by 1996 and all five by the turn of the century.

COST OF MEDICAL CARE, DEGENERATIVE DISEASE RESEARCH AND BIOTECH INDUSTRY SUPPORT

Another gut issue addresses the aged and medical care in general. The high cost of medical care is almost at the strangulation point. An underlying cost driver is the size and frequency of malpractice suits. To combat this we need a new set of laws. First, the Congress must pass a law which puts an absolute ceiling on malpractice suits, I suggest $250,000. A Physician found guilty of malpractice twice in three years will have his license revoked for one year while he is retrained and must pass a re-examination to be reinstated. Secondly, legislation should be passed which sets up a new public non-profit corporation. This corporation will administer a fund to which all workers 40 years of age or above could choose to contribute until retirement. The fund would provide nursing care for people who (a) reach 70 years of age and request such care or (b) have a brain degenerative disease and are over the age of 60, Social Security funds, for which such people who enter this care are eligible, would be automatically paid into the fund. This nonprofit corporation would never transfer funds to any general fund.

The last leg of this medical program would address the high cost of diagnostic equipment, hospitalization and care of degenerative diseases. To combat this a program with

these government initiatives should be undertaken. First, a systems approach to the creation of a hospital with its appropriate data collection and testing equipment would be taken. A five billion dollar program over five years should be initiated. The government would let five contracts of $1 billion dollars each to specify, design and construct five complexes. The sites would be selected based on municipalities' proposals to provide matching funds on a 25% basis. Second, a directed biotech approach to the solution of degenerative diseases such as Alzheimers, cancer and aids would be enabled. The goal is a cure or at least arrestment of such diseases in five years. The program would provide (a) matching funds for biotech companies involved in such research, (b) tax incentives for construction of domestic manufacturing facilities. Third a tax incentive should be given to firms creating new domestic manufacturing facilities for medical diagnostic equipment and medical instruments. The later 2 initiatives would be arbitrarily sized at $2 billion a year.

EDUCATION PROGRAM

To address your education issue, we must be very circumspect. Simply throwing money at the education system will not make it improve. It appears that our ability to train our children in the fundamentals of science, mathematics and language has decreased radically. The root cause of this decline is debatable, but it arguably starts with the training of the trainers. It is no secret that the best students of science and math do not choose elementary and secondary education as a career. Accordingly, I suggest a billion dollar program a year to provide $20K/year to individuals who are math, science or engineering majors and who agree to take primary or secondary education jobs for at least 3 years after graduation from college. These students would have to take an education minor to qualify but would not be required to stay in the teaching ranks past 3 years if they so choose. A new curriculum worked out in cooperation with 10 universities across the nation to prepare for such combined degree programs would be defined in the next year. The $20K would be granted to students on a yearly basis to pay tuition and would require a grade of B or above to maintain.

TAX CUTS

Lastly, a tax program is proposed that would stimulate the economy but also would be equitable. I propose serious consideration of the following: A flat 18% tax on all taxable income over $20,000. Deductions would be limited to primary and secondary mortgages and dependents. This would greatly simplify the tax collection process, lower its costs and eliminate any tax burden for those whose income is not sufficient to survive. Capital gains and any other income would be treated as a normal income. I would also eliminate all other sources of non-taxable income for individuals. Corporations would be granted tax credits for such programs as outlined above.

SUMMARY

The above suggestions have the following benefits:

(a) Involves regions of the country that are likely to be hard hit by defense cut backs and/or the loss of manufacturing jobs.

(b) Addresses large segments of the population being hurt by skyrocketing medical costs.

(c) Encourages domestic manufacturing in product areas where the USA appears to have technological or know-how leadership.

(d) Provides a directed education program and economic aid which can help all socio-economic strata.

(e) Provides a tax policy which is balanced.

(f) Can be targeted geographically to obtain a broad political consensus.

The above programs are estimated to be in the $10 to $128 annual cost range. Should this estimate be optimistic by a factor of two, we are still in the $25 billion a year range. This money might easily be furnished by defense budget cutbacks and diversion of some funds from existing programs, if necessary. The net cost of the recommended programs could be significantly less if the velocity of money and the spawned industry generates more tax revenue which should occur.

I hope that these ideas are useful to you and your advisors and helpful in stimulating a thought process that leads to a successful domestic program.

Sincerely,

FRANK DEBRITZ.

THE SILVER ANNIVERSARY OF INDIANA UNIVERSITY AT SOUTH BEND

HON. TIMOTHY J. ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. ROEMER. Mr. Speaker, one of the pleasures of holding this office is the ability to share in the great triumphs of my constituency. Nowhere is that privilege more exciting and important than in noting great works in education, because education is the key to our future and the world we leave our children.

Mr. Speaker, I rise today to recognize the silver anniversary of an institution of higher learning that has been serving the greater South Bend-Mishawaka area for 25 years. The Indiana University at South Bend has been an integral part of our community for both the local residents, and others who have come to take part in the studies there.

IUSB has a strong educational foundation, rooted in civic duty and cultural awareness. Its hallmarks are quality and diversity, and its very presence enhances the quality of life in northern Indiana.

Mr. Speaker, the Michiana region is blessed with a number of fine learning institutions. IUSB proudly stands shoulder to shoulder with each of them, and is known for its success in demanding and receiving the highest quality of teaching and teaching results. Indeed, the administration, faculty, and staff all display the qualities of dedication, caring, hard work and foresight that make up any high caliber college.

IUSB continues to grow and prosper. Never satisfied with the status quo, this school continues to earn growing respect from the community, the region, and from beyond the State boundaries. Newly endowed chairs and departments are normal here, as the school balances sensible growth with the constant demands of nurturing curious minds and fulfilling an ambitious cultural agenda.

IUSB is a complete university, which places a high priority on the counselling, health and residential needs of its community. As the student body grows and diversifies, the university's services continue to as well. Such needs as child care provide for more learning opportunities for more individuals, and place IUSB in the forefront of modern institutional management.

Mr. Speaker, IUSB offers a full plate of educational programs and majors, from the arts to education, from business to nursing, from women's studies to foreign opportunities, and so much more. Many of their students and programs have won honors and awards; many more will continue to do so. The comprehensive array of opportunity here continues to grow and refine itself under enlightened guidance.

Mr. Speaker, with a 25-year record of accomplishment and achievement, the people of IUSB could be content to rest on their laurels and bask in satisfaction. But I know they will never do this. The first quarter century was just a beginning, and IUSB will continue to mature and evolve as a learning center, community member, and home for extended academic awareness.

It is with great pleasure that I salute them today.

ERROR IN THE BOSTON GLOBE

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. CLAY. Mr. Speaker, I would like to insert into the RECORD two letters which I have sent today correcting an error in an editorial of the Boston Globe. That factually incorrect editorial was sent to all Members in a Dear Colleague letter on March 30, 1992, by Mr. THOMAS of California.

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
Washington, DC, April 3, 1992.

Hon. WILLIAM M. THOMAS,
U.S. House of Representatives,
Washington, DC.

DEAR BILL: I have just read your "Dear Colleague" letter in which you copied a March 20, 1992, editorial from the Boston Globe. I am disappointed that you would disseminate an editorial among our colleagues containing a significant error made by the editors of the Boston Globe. Although the Committee which I chair has "Post Office" in its title, the statement in the editorial that I am "chairman of the committee that overseas the House Post Office" is totally false. As the Ranking Minority Member of the Committee on House Administration, you know that the Committee on House Administration, not the Committee on Post Office and Civil Service, has oversight responsibility over the House Post Office. I would have hoped that you would not have perpetuated that erroneous statement by copying the editorial in your letter without any clarifying language.

Sincerely,

WILLIAM L. CLAY,
Chairman.

COMMITTEE ON POST OFFICE
AND CIVIL SERVICE,
Washington, DC, April 3, 1992.

EDITOR,
The Boston Globe,
Boston, MA.

DEAR EDITOR: Your editorial concerning congressional mail which appeared in the

Boston Globe on Friday, March 20, 1992, contained a glaring error involving my name and the Committee which I chair. You stated in the editorial, "Rep. Bill Clay of Missouri, the chairman of the committee that oversees the House Post Office. . . . " That statement is absolutely false. Although "Post Office" is in the title of the Committee I chair, the Committee on House Administration, not the Committee on Post Office and Civil Service, has the responsibility for oversight of the House Post Office. I hope that you will correct that error and refrain from perpetuating it.

Sincerely,

WILLIAM L. CLAY,
Chairman

HEALTH CARE IS A FUNDAMENTAL RIGHT

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. OWENS of Utah. Mr. Speaker, our health care system is sick—we have heard the statistics before—37 million Americans are uninsured. Millions more are underinsured. This growing number of Americans lacking access to adequate health care coverage is a national scandal.

Over the past few years, we have heard quite a lot of talk about changing our health care system; reform is vital. The status quo is no longer acceptable. Too many people are falling through the cracks because they are unable to afford the rising costs of health care. How can we allow millions of Americans to live in fear of a long-term illness, to live in fear of having their hard-won financial and emotional resources wiped out. Numerous proposals have been introduced attempting to solve our ailing health care system. But, the bottom line is health care is not a privilege, but a right of every man, woman, and child, and I am not taking second opinions on this diagnosis.

Today, I am introducing a concurrent resolution stating that health care is a fundamental right of every person in the United States.

The Japanese have established health care as a right, so have the Germans, the French, and the Swedish; in fact every industrialized country, except South Africa has established such a policy.

We would never turn away a first grader from receiving an education, nor should we turn away a 2-year-old from receiving immunization. We are living in a country which forces older Americans to choose between filling a prescription or paying their rent. We are living in a country where many pregnant women do not receive adequate prenatal care.

The time is long overdue that health care be established as a fundamental right.

I invite my colleagues to support this legislation and establish this as national policy.

FERTILITY CLINIC SUCCESS RATE AND CERTIFICATION ACT OF 1991

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. WYDEN. Mr. Speaker, on behalf of the distinguished ranking member of the Energy and Commerce Committee, Mr. LENT and myself, I rise today to introduce legislation that will protect the public and establish accountability in the burgeoning infertility treatment business.

This is not a new issue. In fact, I have pursued a solution to these problems for 4 years, introducing a succession of four bills to accomplish what everyone involved has agreed must be done. The legislation I am introducing today reflects amendments recommended by witnesses in a February 27 Health and Environment Subcommittee hearing on my previous bill, H.R. 3940.

The first people to blow the whistle on infertility scams were the fertility professionals themselves. For years now, leaders in the infertility field have sounded the alarm bell about the exploitation of consumers. For example, in the November 1987 issue of Fertility and Sterility, appeared an editorial entitled "Are We Exploiting the Infertile Couple?" This landmark statement of professional principles was authored by 11 of the most distinguished fertility specialists in the United States.

They stated that—

> The lack of standards and absence of a credentialing process with [In Vitro Fertilization is] disturbing—

And expressed concern that—

> the motive for establishing [some infertility] programs may be [little more than . . . an attempt by a hospital corporation to increase its market share.

But these whistleblowing experts reserved their most telling criticism for their colleagues who exaggerated pregnancy success rates and misled couples seeking help at infertility clinics. They stated that:

> Infertile patients often develop unrealistically high expectations regarding specific therapies. The medical community is partly responsible for these inflated expectations when practitioners claim pregnancy rates that far exceed those found in the current literature. . . .
>
> [For example,] patients are often not told that the practitioner has limited experience or success with this operative procedure or is quoting another surgeon's statistics . . . we strongly advise that each surgeon present his or her own pregnancy rates in talking with patients about surgery.

This expert assessment of the state of the art in the infertility business is best summed up in their own words:

> Considering that half of the IVF programs that have been established in the country have no pregnancies, it would seem that the standards of practice are quite variable.

Mr. Speaker, infertility is a major public health concern today. With a steadily increasing incidence of sexually transmitted diseases, and the trend toward delayed childbearing, it can only become a more serious concern in the future. Already, there are millions of infertile American couples, desperate to have children, who may fall prey to these poor standards of practice. Even under the best of circumstances, these anxious couples face invasive medical procedures, the risk of dangerous complications, and low pregnancy success rates.

My investigation of this field uncovered many disturbing examples of frustrated, emotionally drained couples who were exploited and misled by those who took advantage of their faith in modern medicine.

Couples seeking help for an infertility problem are bombarded with advertising claims which have touted success rates of 30, 40, 50 percent or more. They don't know that a minority of clinics are responsible for the most successful IVF births, let alone which clinics have the best track record in treating patients with their specific infertility problem. And they don't even know that there's no one watching to make sure that these facilities meet even minimal quality controls.

I am pleased to say that since the first congressional hearings probing these problems in June 1988, the major consumer and professional organizations have worked together to take action on the problems we found. Their efforts deserve praise, and are clearly a step in the right direction.

But there is much more to do. The voluntary programs now in place have virtually no leverage against questionable practitioners, who are doing genuine harm to the public.

In an effort to remedy this, Mr. LENT and I drafted this legislation that stipulates the following:

First, all fertility clinics would be required to report their pregnancy success rates, in line with the uniform definitions worked out by the Secretary in consultation with the Centers for Disease Control.

Second, the Federal Government would annually publish these pregnancy success rates in a consumer guide booklet, noting where appropriate the clinics which had failed to report some or all of their success rates.

Third, all fertility clinics would also be required to identify the embryo laboratories that they rely on for lab work. This information would also be published in the Secretary's annual consumer guide.

Fourth, the HHS Secretary would develop a model program for the inspection and certification of embryo labs, and promulgate this model certification program to every State for their consideration and adoption.

Fifth, if a State should fail to implement the model certification program, either directly or through a private accreditation organization approved by the HHS Secretary, the Federal Government would report this fact to the public in its annual consumer guide. But under our bill, embryo labs operating in a State that did not adopt the model certification program could still get certified by an accreditation organization which has been approved by the Secretary, and have their certification status published in the annual consumer guide.

Some may ask why the public needs this bill, since many fertility clinics already report some version of success rates to their professional society. But current reporting by clinics is voluntary, and there is no reason for a questionable practitioner to report anything, because there are no consequences.

This legislation would empower infertile couples by giving them a consumer guide in which the clinics with low-success rates, or those that don't report, will be exposed. Couples, for the first time, would have the tools to be informed consumers, and can either avoid these clinics, or to ask the clinic administrators to supply them with the missing success rate information.

Mr. Speaker, this whole bill is predicated on the well-accepted idea that consumers, empowered with good, sound information about patient outcomes, can reward the best fertility clinics by taking their business to those with good success rates, and avoid those with poor success rates or uncertified labs, or which simply fail to report their experience.

The legislation involves no unfunded Federal or State costs. The States and the Federal Government would be authorized to assess fees so that clinics would pay for the quality assurance program.

In closing, Mr. Speaker, there are many honorable and compassionate health care professionals working in the fertility field. But the infertility business is booming. The lure of deep pockets will attract many entrepreneurs less interested in health care than in cashing in on hopeful couples' willingness to pay for a chance to have a family. The legislation we are considering today will establish a meaningful set of consumer protections to help these couples get what they want most—a child.

As the sponsor of this legislation, I would like to thank several additional people, especially Chairman HENRY WAXMAN and Dr. Louis Sullivan and Dr. Bill Roper, who have been most gracious in helping me think through the best way to assist infertile couples with this legislation. In addition, several members and staff from professional societies and consumer groups worked hard with me to perfect this legislation over the past several weeks, particularly Lynne Lawrence and Dr. Robert Visscher, M.D., of the American Fertility Society. Finally, I owe a great debt of gratitude to the professionalism and expertise of Health and Environment Subcommittee staff Ruth Katz and Mike Hash, and Mr. LENT's minority staff, Mary McGrane and Melody Hughson.

MINOR CROP PROTECTION ASSISTANCE ACT OF 1992

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. PANETTA. Mr. Speaker, I am pleased to join the chairman of the House Agriculture Committee, Representative KIKA DE LA GARZA, and over 50 of my House colleagues in cosponsoring the Minor Crop Protection Assistance Act of 1992.

As a member from one of the most bountiful districts in the State of California, I represent a region that includes some of the most productive fruit and vegetable farmland in the country. The many fruits and vegetables grown in my district, which include broccoli, asparagus, and strawberries, are referred to as minor or specialty crops.

These crops are important not only to California but to the Nation's economy as well. Approximately $35 billion in fruit, vegetable, and horticultural crops are produced annually in the United States. Exports of specialty crops amounted to about $5 billion in 1990 which is 12.5 percent of the $40 billion in total agricultural exports. In addition to their economic importance, fruits and vegetables have taken on an increasingly significant nutritional role in our diets as Americans have become more health conscious.

This legislation will address concerns that are of specific interest to the minor use industry by preserving the availability of safe pesticides for these small acre crops. This measure will provide options for pesticide manufacturers, farmers, and the Environmental Protection Agency [EPA], which regulates pesticide use, for continuing or developing new uses for pesticides to protect minor uses.

These provisions include: waiving certain data requirements if the pesticide's use does not present an unreasonable risk to human health or the environment; granting extensions for developing data in certain cases; requiring expedited review of applications for registration for minor crop uses; and using data from an identical or substantially similar pesticide whose registration has been allowed to lapse for economic reasons. These mechanisms would not be permitted if EPA determined that the pesticide in question posed an unreasonable adverse risk to human health or the environment, or where the missing data were considered essential for making such a determination.

As my colleagues know, both the registration and reregistration process can be very costly. Over time, the amount of data needed has increased as well as the ability to test for the presence of pesticides and their effects in order to ensure a safe food supply. The legislation is designed to minimize the likelihood that a safe chemical will be taken off the market simply because the manufacturer does not want to incur the added costs of generating additional data for EPA registration. We need to have a reasonable process for small scale use of pesticides that safeguards the environment and people's health but does not end up taking necessary and safe pesticides off the market.

I believe that many more changes are needed to improve the regulation of pesticides and minor crops, such as increased funding for the agricultural interregional project for data collection in support of minor-use registration [the IR–4 project]. This program, which I strongly support, is paramount to the future successful maintenance of minor use registrations.

It is my understanding that this legislation will be considered as part of a broader bill to reauthorize the Federal Insecticide, Fungicide and Rodenticide Act [FIFRA] this year. I look forward to working with the members on the committee in addressing these important issues.

ISRAEL LOAN GUARANTEE

HON. GARY A. FRANKS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. FRANKS of Connecticut. Mr. Speaker, Israel has requested $10 billion in loan guarantees from the United States Government. I support the guarantee of these loans and urge my colleagues in the U.S. Congress to see the immediate need for their approval.

Mr. Speaker, Israel has absorbed over a million refugees from the former Soviet Union and Ethiopia. The economic ramifications of clothing and housing these people could prove disastrous, the cost to Israel being between $45 and $50 billion over the next 5 years. The refugees have been arriving in numbers way beyond what Israel can handle in such a short period of time.

On September 6, 1991, the administration asked Congress to delay consideration of the loan guarantees for 120 days so as to allow the peace talks to begin with one less barrier. The 120 days are up and it is time to keep a promise, not only to the Congress but to the Israeli Government.

The loan guarantees are not direct loans as some in Congress have indicated. In fact, they are guarantees that the Israeli Government can get loans at a lower interest rate from banks. Legislation would stipulate that Israel pay back the full amount of the loans as well as administrative costs. I have been concerned with the provision in the 1990 budget agreement that stated funds had to be set aside so as to "insure" these loans, but if Israel's payments include this sum, as they have indicated, then there would in fact be no cost to the United States Government.

Mr. Speaker, the risk of these loans should not be of grave concern. Israel has been rated highly favorable and has never defaulted on a loan and never received debt forgiveness from the United States Government.

However, the guarantee of these loans is not only a humanitarian issue but one of national security. Israel has historically been a very strong and much needed ally, as we witnessed in the Persian Gulf war. In a region that is riddled with conflict and violence it is imperative for the United States to maintain an alliance on which we can rely.

The increased rate at which certain Arab countries are arming themselves, coupled with the rising mood of Islamic fundamentalism, threatens not only Israel, but American interests in the Persian Gulf as well. Further, if the peace process is to remain an integral part of our country's foreign policy, which it must, then we should not favor one country over another. Last year the United States gave $4 billion in loan guarantees to Arab countries. Israel has requested $2 billion a year over 5 years.

Mr. Speaker, the administration has switched its position again. Despite its commitment to consider the loan guarantees after the 120 days were up, they have again been stalled, this time because of their concern with settlements. However, settlements should not be an issue in the granting of loan guarantees.

Albeit the settlements are an integral ingredient in any solution that could resolve the

Arab-Israeli conflict but it is not an issue that the United States should be deciding. If we could find a solution regarding the settlements then the peace process would be unnecessary. The land-for-peace issue has been the primary concern between Israel and its Arab neighbors and the administration has shrouded land for peace behind a curtain of settlements.

Mr. Speaker, Israel has committed not to use the money received from loan guarantees to build settlements in the West Bank or Gaza. Therefore the United States involvement should be to preserve and encourage a solution, not become a barrier to one. As a supporter of the loan guarantees to Israel I certainly hope that Congress will realize the humanitarian and national security ramifications of not granting the guarantees. While the cold war has ended, regional conflicts have not and we should not alienate a long time ally.

DEBATE ON NATIONAL SECURITY

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. ASPIN. Mr. Speaker, we are in danger of losing something we urgently need in these times of historic change—the ability to have a rational, intellectually honest debate on national security.

We are all aware that the whole basis for our national security planning has been changed. These historic times demand that we think freshly about what we require to defend ourselves—to defend ourselves in the broadest sense—in this new, post-cold war, post-Soviet world. This House has been doing that.

When Iraq invaded Kuwait in August 1990, the Nation faced its first, great post-cold war national security challenge. This House faced that challenge in the classic form devised in our Constitution—a vote on whether to authorize the President to use the force of arms. The debate that accompanied that vote represented some of the finest hours of this body as Members spoke eloquently to their convictions about the Nation and what it stood for. The House voted to authorize the use of force to expel the invaders and our men and women in uniform went on to win a historic victory in Operation Desert Storm.

Today, we are again engaged in a national security debate of enormous importance. It centers on the first true post-Soviet defense budget, that for fiscal year 1993, but it extends beyond that to the kind of defense we will need at the turn of the century. This House is again meeting the challenge. So far, we have passed a budget resolution that contains numbers for defense that arise from a rigorous analysis, from the ground up, of the threats we face and the size of the forces we need to meet those threats. Reasonable men and women can and do disagree about those numbers. But the defense figures in our resolution are the product of a serious, substantive process, one the House can take some pride in.

We must see to it that the process stays serious and substantive. There are those who would have it otherwise. In the heat of the budget battles, it would be easy to fall into the traps of the past. We must not permit the "Weinbergerization" of the defense debate. Most of us remember the days of Defense Secretary Caspar W. Weinberger. The early Reagan administration years were marked by a very large peacetime defense buildup, but Cap was quick to predict utter ruin if Congress deviated from his program.

In 1983, for instance, he claimed that congressional cuts in the rate of increase would cause reductions in the number of Army and Marine divisions, and Air Force fighter wings. Carrier task forces would no longer be able to cruise the Indian Ocean and one of our carriers would have to come home from the Mediterranean. We cut and none of these things happened.

In 1985, when Congress sought to slow the steep rise in defense spending, Cap predicted that "such reductions could lead us back into the situation of the late 1970s, with a military establishment clearly unable to meet the Nation's commitments." Congress did stop the increases and, of course, these dire consequences did not happen.

This sort of thing cost Cap dearly. Eventually, he "Weinbergerized" himself out of the debate. His claims simply weren't credible. But it took a while. This time, we don't want to wait so long for reality to intrude. Mr. Speaker, this defense debate must have an element often lacking in the past—accountability.

I believe I have done my part. When I made my recommendations to the budget committee on fiscal year 1993 defense spending levels, I made plain the origins of those recommendations. I established a methodology for estimating the threat, and for gauging U.S. military capabilities. And I made those methodologies public. I also made plain at the time that this process did not automatically yield one, correct defense plan. It was designed to generate a substantive debate on the military requirements for the United States in this new era. It enables members to make their own judgments about the defense we need and how much we ought to spend to get it. My own judgment based on this methodology is that we can cut about twice as many dollars in fiscal year 1993 as the Bush administration and have a defense better than the one it proposes.

But in response to this effort, we have seen the revival of Weinbergerization. The Pentagon has produced a script with two main themes. The first is that if we mark up a defense authorization bill to the House Budget Resolution defense numbers it will force cuts of 300,000 more uniformed personnel positions in fiscal year 1993 than the administration has already proposed. The second is that funds in operation and maintenance accounts, including training, will be cut so severely under the House numbers that training accidents will increase in peacetime and casualties will increase in wartime.

Dick Cheney, Cap Weinberger's successor once removed, told the House Foreign Affairs Committee that "the only way to get savings of this magnitude"—the House numbers, in other words—"in a short period of time is for me to fire 300,000 active duty military people" over what is already planned.

We saw this script in action during the House debate on the budget just about 3 weeks ago. The gentleman from Illinois, the Republican leader, read from it. He said, and I quote, "If the Democrats' defense budget becomes a reality, an extra 300,000 active duty military personnel would have to be cut in 1993."

General Merrill McPeak, the chief of staff of the Air Force, has done a little ad libbing on his script. He talked about the impact of the House budget numbers in early March. He said, and I quote again, "What you would have to do is close down the Air Force. You might as well let all the people go." I want to let General McPeak know now that I'm going to ask him about this next fall. I want him to have time to figure out how to climb back down from the preposterous limb on which he's placed himself.

Last week, we saw the Pentagon material in testimony for the Senate Armed Services Committee prepared by the Pentagon apparatus for release under the name of General Colin Powell, the chairman of the Joint Chiefs of Staff.

Cap Weinberger claimed vastly overblown consequences for defense cuts to protect his defense budgets. After seeing this material from the Pentagon, I'm tempted to paraphrase Ronald Reagan. There they go again.

I've also found an example of the kind of civil, principled debate and disagreement that generates light instead of heat. This also from my good friend Colin Powell. I have examined the transcript of his actual testimony before the Senate Armed Services Committee. Colin Powell is a tough but fair advocate for his positions in person. But his prepared testimony contains some of the worst examples of Weinbergerization. I don't know what to make of this performance. I think I'd like the real Colin Powell to stand up.

But now let me deal with the substance of the Pentagon line. First, the charge that we'll cause an additional 300,000 in active duty cuts next fiscal year. When I recommended defense budget numbers for fiscal year 1993 to the House Budget Committee for inclusion in the budget resolution, I had in mind how we would handle those cuts in my chairman's mark of the fiscal year 1993 defense authorization bill. Those cuts do not include personnel cuts beyond those in the administration proposal.

Let's put it in perspective. The Bush-Cheney budget for fiscal year 1993 asks for $291.4 billion in outlays. The House Budget Resolution would cut $5.2 billion from that figure, or 1.8 percent.

The Pentagon says this 1.8 percent cut would cause the dismissal of an additional 300,000 service members. General Powell's prepared testimony says this would "devastate the all volunteer force." That's vintage Cap Weinberger. You'll recall that Cap would say things like we were going to lose the equivalent of the U.S. Marine Corps if we made cuts. That claim was silly then and this one is silly now.

It's also doubly shortsighted. This is not one of those issues in which the two sides make mutually exclusive assertions, then walk off and forget it. The folks behind the Pentagon campaign don't seem to realize that they're going to be proved wrong in a matter of weeks.

Let me tell you how I will demonstrate that this claim is wrong. The House Armed Services Committee will write a defense authorization bill for fiscal year 1993 to the numbers in the House Budget Resolution. That bill will provide a strong defense for America and it will make no military personnel cuts greater than those proposed by the Bush Administration for fiscal year 1993.

When we do this in May, I am going to point it out as strongly as I can. And when the House approves this defense authorization bill in June, I am going to point it out again, as strongly as I can. And when the defense authorization bill for fiscal year 1993 receives final approval next fall, I am going to point it out again. We are going to have a lot of accountability.

Let's take the second theme, the one about cuts in operation and maintenance accounts. These accounts pay for training, among many other things. The Pentagon says that the cuts in operation and maintenance could be so severe under the House Budget Resolution that training will decrease greatly and the readiness of our forces to fight will be impaired. General Powell's prepared testimony takes a grotesquely distorted view of O&M cuts and goes so far as to say—and I quote—"Cuts of this enormity are easy to translate: They would result in higher American casualties the next time we go to war. They would also mean higher casualties during peacetime"—end quote—through training accidents.

This is too much. It's Weinbergerization at its worst. Can it really be possible that the Pentagon can't think of anywhere to make cuts except places where they increase the chances that our men and women in uniform will die in accidents? If they can't, we at the House Armed Services Committee can and will.

We know where to look for our operation and maintenance cuts. We're going to look at overseas spending for cuts. We're going to look at unnecessary overhead for cuts and we're going to look at excess stocks for cuts. The House Armed Services Committee will demonstrate that this claim, too, is unfounded with a bill that will protect training and the real combat readiness of our forces while cutting unneeded spending out of a military establishment bigger than we need for the threats we face today.

When we write that bill that protects training and real readiness, I'm going to point it out strongly. And again when it passes the House and again when it finally passes the Congress. Again, accountability.

But in the meantime, I want to assure my House colleagues that the tool I've offered them for asking the right questions about future force structure is a sound one. The Pentagon is shooting at it and we have plenty of ammunition to return fire.

In fact, this part of the debate raises another kind of Weinbergerization. This tactic involves making claims on the public record that are known to be contradicted in classified information. It puts those of us who know the facts on the spot. We can put up with the distortions and misrepresentations, or we can reveal classified information. I want to put the Pentagon on notice that I'm not going to sit by while these misrepresentations are promoted publicly.

For instance, there is the basic Desert Storm Equivalent. This is the force that could tackle a fight the size we were in with Iraq and win handily. It is built on what we call the force that mattered in the war with Iraq, plus additional forces to beef it up. It includes 6 heavy divisions, an air assault division, an air-transportable light division, 1 Marine division-wing on land and in excess of 1 brigade at sea, 24 Air Force fighter squadrons, 3 squadrons of defense suppression and reconnaissance aircraft. It includes 70 heavy bombers, and 2 early-arriving carrier battle groups building up over time to 4 carrier battle groups, including surface combatants providing Aegis defenses and capability for launching large numbers of cruise missiles.

General McPeak has had some things to say about the adequacy of the Air Force component of this basic building block. He says the U.S. deployed 33 squadrons to the war and had the substantial help of allied air forces. So he says, and again I quote, the "Desert Storm Equivalent is not a Desert Storm Equivalent. I call it Desert Drizzle."

I can only conclude that General McPeak has not been reading the Pentagon's own classified scenarios for a renewed conflict in Southwest Asia. If he had, I hope a respect for the facts would make him change his tune. I can't go into detail here, but the classified documents say McPeak is wrong and the Desert Storm Equivalent could do the job.

Using our threat assessments and our building blocks, we built four illustrative U.S. force structure options. All are heavy on airlift and sealift, the two largest options having more lift than the Bush-Cheney base force.

Option A would permit us to handle one Iraq-sized contingency and a sizable humanitarian relief effort. Option B would add forces to handle option A contingencies plus a regional contingency such as a conflict in Korea. General Powell says these provide "just enough forces to respond to the contingencies postulated in each" with no strategic reserve. Fair enough. They are austere.

Option C would accomplish the missions of options A and B, and add the ability to handle a Panama-takeover sized contingency, plus a rotation base for a long-term deployment short of war. I personally believe that capabilities like these are about what we need in the late 1990's. Option D is a more robust version of option C.

The Pentagon line is that option C could not accomplish all it purports to simultaneously. In fact, it's been said that the bigger base force being promoted by the administration couldn't do it all. Actually, the base force could if enough airlift and sealift were provided to get the forces and their war materiel where they are needed when they are needed. Option C can now.

Option C would total about 1.4 million men and women in uniform by 1997. The base force would total about 1.6 million by 1995. Not as big a difference as you might think, given all the complaints. The reason is that option C builds in the lift, and support forces to make its combat forces count. The base force saves more slots for generals, but leaves a portion of its combat forces all dressed up with no way to get to the fight.

We began this bottom-up exercise by asking what threats we face in this new, post-Soviet world. The Pentagon said that was the wrong way to do it. The Pentagon said the force of the future had to be big enough to handle uncertainty, and it was anyone's guess how big that was. Since then, we've learned from the New York Times that the Pentagon builds classified threat scenarios when it really wants to know what it needs to fight.

The New York Times reported recently that seven such scenarios dominated budget guidance to the military services for fiscal year 1994. The Pentagon is using threat analysis internally to shape future budgets while claiming publicly that it will not work. We say it will. If the seven scenarios written as fiscal year 1994 budget guidance were part of the public debate, I suspect it would thoroughly validate the Desert Storm equivalent, the basic building block in my force options.

Mr. Speaker, we can safely reduce our forces below the levels proposed in the Bush-Cheney budget. It would be an enormous help if we could do it after a serious, substantive debate, not a Weinbergerized one.

I want to close now with one more reason for foregoing a Weinbergerized debate. Our men and women in uniform are our most precious national security resource. They have made and will make sacrifices for their country. We must keep the faith with them. Yet we have seen this fiction of the 300,000 additional dismissals for fiscal year 1992 floated time and again. This sort of thing creates turmoil and unnecessary anxiety among the very people for whom we should be showing the most concern. The Pentagon ought to stop it. It's not right.

A TRIBUTE TO SADIE T.M. ALEXANDER: A CHAMPION OF PHILADELPHIA

HON. LUCIEN E. BLACKWELL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. BLACKWELL. Mr. Speaker, I am extremely delighted to memoralize a phenomenal woman who has done so much to inspire so many in the city of Philadelphia and throughout the country, the late great Sadie T.M. Alexander.

Ms. Alexander's outstanding devotion to community service and sisterhood made her a beacon for uplifting the status of black women in America.

Born in Philadelphia, PA, in 1898, the daughter of Aaron Mossell and Mary Turner, Sadie Alexander strived for excellence in all that she did.

Ms. Alexander is noted for being not only the best, but also the first in a long list of achievements. She was the first black woman to graduate from the law school at the University of Pennsylvania, pass the Pennsylvania bar exam, establish a law practice in Pennsylvania, and receive a doctorate degree in economics. In addition, she helped to establish the National Bar Association.

Her dedication to service can best be exemplified in the role she played as the first national president of one of the leading organizations for black women, Delta Sigma Theta Sorority.

She became a member of the Gamma Chapter of Delta Sigma Theta in 1917. After joining, her loyalty to the sorority manifested itself in many ways. She helped to convene the first national convention in 1919, started the May Week Program—which was an incentive for black students to continue their education—directed the sorority's first academic scholarship, and operated the headquarters from her own home.

The results of Sadie T.M. Alexander's hard work can be seen today. Many of the programs she helped to implement are still operating successfully.

Mr. Speaker, Delta Sigma Theta Sorority must be commended for pioneering such a champion. The miraculous works of Sadie T.M. Alexander must be hailed in American history. She is definitely a role model for all women.

I would be remiss, if I were not to pay homage to Sadie T.M. Alexander and Delta Sigma Theta Sorority. The commitment that this great organization has made to education and community service cannot be overlooked.

Mr. Speaker, there is no doubt that Sadie T.M. Alexander is one of the most outstanding black Americans of our time.

TRIBUTE TO DR. GORDON GUYER: SCIENTIST AND ADMINISTRATOR

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. CARR. Mr. Speaker, since I was first elected to Congress in 1974, I have had the privilege of representing Michigan State University in East Lansing, MI. During that time I have come to know numerous distinguished individuals associated with that institution. And as the years have passed on, I have regretfully come to see a number of them retire. And few of them have had as much personal impact on me as Gordon Guyer.

The individual I rise to honor today has an association with Michigan State University both long and distinguished. It was 1947 when Gordon Guyer first came to East Lansing as a student. He earned three degrees from the university—has baccalaureate, masters, and doctoral degrees in entomology—and served in a variety of leadership roles.

As an entomologist, he focused on developing safe methods of limiting insect damage to crops, and was among the first American scientists to visit China in the mid-1970's. Working with the U.S. Department of Agriculture, Dr. Guyer has served in Australia, China, Brazil, and Africa. Author of more than 70 scientific papers, he has ranged widely over the subjects of international agriculture policy, aquatic ecology, as well as his area of greatest expertise, integrated pest control technology.

As he was conducting a research project in Africa in 1973, he was first tapped for an administrative post: director of the Michigan State University Cooperative Extension Service. He served in that post until 1984, "putting the land-grant university to work in every one of Michigan's 83 counties," as he told the Lansing State-Journal recently. One of the highlights of his service to CES was development of a successful 4–H program into urban Detroit.

When Gordon left his post at CES, he intended to give his full attention to entomology, as director of the Kellogg biological station from 1982 to 1985. But then Gov. James Blanchard tapped Guyer to direct the State's Department of Natural Resources. Anxious to return to science, he left that post only to be called upon again by Michigan State, to lead the university's governmental affairs unit after his long-time colleague and friend Jack Breslin, passed on.

Now Gordon is once again ready to move on, but this time to devote more time to W.K. Kellogg Foundation education projects in Costa Rica and the Dominican Republic.

And personally, he has provided a positive example. The way he treats everyone with respect and kindness has earned him a universe of friends and admirers—of which I'm a particular fan—and few, if any, enemies.

I take this opportunity to add to the hundreds of awards and citations Gordon has received with the deepest gratitude of the people of Michigan for his service. I want to wish Gordon and his lovely wife Norma every possible joy in his retirement. He will be missed by those of us who had the privilege to work with him.

TRIBUTE TO THE DAILY CARDINAL NEWSPAPER

HON. SCOTT L. KLUG

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. KLUG. Mr. Speaker, I rise today to pay tribute to the Daily Cardinal newspaper at the University of Wisconsin—Madison. On Saturday, April 4, 1992, the Daily Cardinal will celebrate the 100th anniversary of its first publication. I am honored to have this opportunity to pay tribute to one of the finest and oldest campus dailies in the country.

Throughout the years, the Daily Cardinal has distinguished itself as a student newspaper determined to bringing a level of professionalism to journalism that is unmatched at the collegiate level. The Cardinal not only reports on a wide array of campuswide topics, but has prided itself on educating the University of Wisconsin—Madison campus on worldwide events and their implications locally.

The Daily Cardinal first broke onto the national scene during the 1960's and played an active and courageous role in opposing the war in Vietnam. The Cardinal has continued its activist theme by often focusing its efforts on controversial topics such as racism, sexual abuse, and an ongoing battle for a diverse and peaceful multicultural society. The opinion page tackles all debatable subjects and anyone or anything considered the establishment—beware. When I was a graduate student at the university, I always looked forward to the paper's next edition.

Happy Birthday Daily Cardinal. Best of luck in your next 100 years.

FLEET SAFETY AWARD WINNER

HON. WAYNE OWENS

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. OWENS of Utah. Mr. Speaker, I would like to call to the attention of my colleagues a singular accomplishment. This week, C.R. England & Sons, a truckload motor carrier headquartered in Salt Lake City was awarded the prestigious grand prize trophy in the 1991 fleet safety contest. The trophy was given by the Interstate Truckload Carriers Conference.

The conference represents the truckload, irregular route, common, and contract motor carriers of the United States and is affiliated with the American Trucking Associations.

Mr. Daniel England, chief executive officer of C.R. England & Sons, was presented this award at the conference's annual meeting. The annual fleet safety contest is a competition between the 575 carrier members of the conference to determine which company has the best safety record and safety program from the preceding year. C.R. England & Sons drivers log more than 100 million miles annually, and to be judged the best from among their peers in the important field of highway safety is a great tribute.

All the more significant is the fact that this is the second time in the past 3 years that C.R. England & Sons has been given this trophy. For years the company has been active in promoting highway safety in Utah. It is fitting that C.R. England & Sons has been nationally recognized once again for its exemplary achievements.

THE 21ST ANNUAL HUMAN RELATIONS AWARDS OF THE NASHVILLE CHAPTER OF THE NATIONAL CONFERENCE OF CHRISTIANS AND JEWS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, April 3, 1992

Mr. CLEMENT. Mr. Speaker, on Thursday evening, April 9, the board of directors of the Nashville chapter of the National Conference of Christians and Jews will award to four distinguished citizens in our community the 1992 Human Relations Award. I would like to join their friends and neighbors in congratulating the four award recipients—Charles O. Frazier, Suzanne J. Morris, and McDonald and Jamye Williams. All are truly deserving of this fine tribute.

As you know, Mr. Speaker, the National Conference of Christians and Jews, and its Nashville chapter, are dedicated to promoting civic cooperation and mutual understanding among all people, regardless of religion, race, or ethnic background. This commitment to human rights is symbolized by the Human Relations Award, which is presented annually to recipients whose achievements have helped our community realize its ultimate goal of "One nation under God * * * with liberty and justice for all."

This quote from our Pledge of Allegiance is a most appropriate place to begin to praise the career of Dr. Charles O. Frazier. I am sure that in the last 38 years not a day began for Dr. Frazier without these words being said, either by himself, the many teachers under his leadership, or the thousands of students under his charge.

But as a teacher of social science and math and as director of schools, Dr. Frazier had dedicated his life to educating children and youth and teaching them the value of tolerance, respect, cooperation, and confidence. He has successfully led our public schools through a period of great change in American education and in our society at large. His achievements have been recognized by many professional and community awards and, as he retires as director of the metro schools, it is only fitting that he receive the Human Relations Award.

Suzanne J. Morris has also been a leader in our community and an example to us all. Her civic and cultural involvement has genuinely made our community stronger. As an active member of many civic organizations, including the Metro Charitable Solicitation Board and Leadership Nashville, and as past president of the Dede Wallace Mental Health Center and the National Council of Jewish Women, Suzanne has reached out to all parts of the city. She has worked vigorously to break down the many racial and social barriers that divide us, utilizing her many skills to bring diverse groups together for the common good. As a native Nashvillian and successful businesswoman, she has dedicated a lifetime of good work to our city and to our citizens and we all thank her for making Nashville one of the best places in our Nation to live.

McDonald and Jamye Williams are a most extraordinary couple in our community. Individually and together, they have distinguished themselves as exemplary leaders in the fields of education and religion. Both taught at Tennessee State University from 1958 to 1988 and have as a living legacy the many students who listened to their lessons in literature, communications, and life itself. Both were active in the civil rights movement of the 1960's and authored "The Negro Speaks: The Rhetoric of Contemporary Black Leaders" (1970), which was adopted as an approved supplementary text for the schools in Tennessee.

Both have been active members of the African Methodist Episcopal Church. Jamye, for example, is the first woman elected a major general officer in the 205-year history of the church, as well as the elected editor of the AME Church Review. McDonald is associate editor of this journal and a member of his church's board. Each has made an important contribution to our community through their many civic and charitable activities, particularly those directed at helping the young and those less fortunate or unable to care for themselves. But, whether taken as individuals or as a couple, McDonald and Jamye Williams are invaluable members of our community who have looked at life as an opportunity to do good for others. We thank them and congratulate them for their generosity.

Mr. Speaker, these four individuals have used their many talents wisely in education, race relations, and religious harmony. Through their individual and concerted efforts, they have helped bridge the natural differences caused by the great diversity in our community. They have worked tirelessly to foster understanding and to eradicate bigotry and intolerance.

The Human Relations Award they are to receive from the Nashville chapter of the National Conference of Christians and Jews is a token of recognition and appreciation. I am pleased to join my fellow citizens in congratulating Charles O. Frazier, Suzanne J. Morris, and McDonald and Jamye Williams.